

Notices

Federal Register

Vol. 76, No. 179

Thursday, September 15, 2011

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 12, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.gov* or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it

displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: NAHMS Emergency Epidemiologic Investigations.

OMB Control Number: 0579-0376.

Summary of Collection: Collection and dissemination of animal health data and information is mandated by 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of the Animal and Plant Health Inspection Service (APHIS), Veterinary Services, the Bureau of Animal Industry. Legal requirements for examining and reporting on animal disease control methods were further mandated by 7 U.S.C. 8308, 8314 of the Animal Health Protection Act, "Detection, Control, and Eradication of Disease and Pests," May 13, 2002. Emergency epidemiologic investigations will allow Veterinary Services Officials to rapidly implement prevention and control measures, keep the public informed to reduce fear or panic, and keep international markets open by informing trading partners.

Need and Use of the Information: The primary objective of the National Animal Health Monitoring System's (NAHMS) emergency epidemiologic investigations is to provide for the prevention and control of animal disease conditions and protect the U.S. livestock population from the introduction and spread of domestic, emerging, zoonotic, and foreign animal disease. APHIS will collect information using a questionnaire or telephone interview or direct interview. APHIS will use the data collected to (1) Identify the scope of the problem, (2) Define and describe the affected population and the susceptible population, (3) Predict or detect trends in disease occurrence and movement, (4) Understand the risk factors for disease, (5) Estimate the cost of disease control and develop intervention options, (6) Provide parameters for mathematical models of animal disease to evaluate potential control scenarios, (7) Make recommendation for disease control, (8) Provide lessons learned and guidance on the best methods to avoid future outbreaks, and (9) Identify areas for further research, e.g. mechanisms of disease transfer, vaccine technology, and diagnostic testing needs.

Description of Respondents: Business or other for-profit.

Number of Respondents: 3,000.

Frequency of Responses: Reporting: On occasion;

Total Burden Hours: 2,175.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011-23660 Filed 9-14-11; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-827]

Certain Cased Pencils From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

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

SUMMARY: On August 30, 2011, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department") results of redetermination as applied to respondent Shandong Rongxin Import & Export Co., Ltd. ("Rongxin") pursuant to the CIT's remand order in *Shandong Rongxin Import & Export Co., Ltd. v. United States*, Court No. 09-00316, Slip Op. 11-45 (Ct. Int'l Trade April 21, 2011) ("*Shandong Rongxin I*"). See Final Results of Redetermination Pursuant to Remand, Court No. 09-00316, dated August 4, 2011, available at <http://ia.ita.doc.gov/remands> ("Second Remand Results"); *Shandong Rongxin Import & Export Co., Ltd. v. United States*, Court No. 09-00316, Slip Op. 11-105 (Ct. Int'l Trade August 30, 2011) ("*Shandong Rongxin II*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("*Diamond Sawblades*"), the Department is notifying the public that the final judgment in this case is not in harmony with the Department's final determination and is amending the final

results of the administrative review of the antidumping duty order on certain cased pencils (“pencils”) from the People’s Republic of China covering the period of review (“POR”) of December 1, 2006, through November 30, 2007 with respect to Rongxin. *See Certain Cased Pencils from the People’s Republic of China: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 74 FR 33406 (July 13, 2009) (“*Final Results*”) and accompanying Issues and Decision Memorandum (“I&D Memorandum”), as amended by *Certain Cased Pencils from the People’s Republic of China: Amended Final Results of Antidumping Duty Administrative Review*, 74 FR 45177 (September 1, 2009).

DATES: *Effective Date:* September 9, 2011

FOR FURTHER INFORMATION CONTACT: Alexander Montoro or Nancy Decker, 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) 482–0196.

SUPPLEMENTARY INFORMATION:

Background

On July 13, 2009, the Department published its *Final Results*. In the *Final Results*, the Department valued lindenwood pencil slats used by the respondent Rongxin with publicly available, published U.S. prices for American basswood lumber. *See Final Results* and accompanying I&D Memorandum at Comment 4a. In *China First Pencil Co., Ltd. v. United States*, 721 F. Supp. 2d 1369 (Ct. Int’l Trade 2010) (“*China First*”), the CIT determined that the Department’s surrogate value for pencils slats used in the *Final Results* was unsupported by substantial evidence and was not in accordance with law. The CIT remanded the Department to recalculate a surrogate value for pencil slats using data from “Paper and Stationery,” an Indian trade publication. *See China First*, 721 F. Supp. 2d at 1375–77. On first remand, the Department used “Paper and Stationery” data to recalculate the surrogate value for pencil slats. *See Final Results of Redetermination Pursuant to Remand*, Consol. Court No. 09–00325, dated December 20, 2010, at 3–4, available at <http://ia.ita.doc.gov/remands> (“First Remand Results”). This redetermination on slats was sustained with respect to Rongxin in *Shangdong Rongxin I*.

Also in the *Final Results*, the Department valued black and color

cores for Rongxin using World Trade Atlas data. *See Final Results* and accompanying I&D Memorandum at Comment 4b. In *China First*, the CIT determined that the Department’s surrogate value for cores used in the *Final Results* was unsupported by substantial evidence and was not in accordance with law. The CIT remanded to the Department to identify separate surrogate values, supported by substantial evidence on the record, for black cores, color cores, thick black cores, and thick color cores. *See China First*, 721 F. Supp. 2d at 1379–1380. On first remand, the Department used “Paper and Stationery” data to recalculate the surrogate value for black and color cores. *See First Remand Results* at 4–6. The Department’s redetermination on cores was sustained in *Shangdong Rongxin I*.

Additionally, in the *Final Results*, the Department calculated a surrogate wage value for Rongxin in accordance with the regression-based methodology set forth in 19 CFR 351.408(c)(3). *See Final Results* and accompanying I&D Memorandum at Comment 3. In *Dorbest Ltd. v. United States*, 604 F.3d 1363 (Fed. Cir. 2010) (“*Dorbest*”), the CAFC held that the Department’s “{regression-based} method for calculating wage rates {as stipulated by 19 CFR 351.408(c)(3)} uses data not permitted by {the statutory requirements laid out in section 773 of the Tariff Act of 1930, as amended (“the Act”) (i.e. 19 U.S.C. 1677b(c))}.” *Dorbest*, 604 F.3d at 1372. Specifically, the CAFC interpreted section 773(c) of the Act to require the use of data from market economy countries that are both economically comparable to the non-market economy country at issue and significant producers of the subject merchandise, unless such data are unavailable. Because the Department’s regulation requires the Department to use data from economically dissimilar countries and from countries that do not produce comparable merchandise, the CAFC invalidated the Department’s labor regulation at 19 CFR 351.408(c)(3). Following *Dorbest*, the Department requested a voluntary remand for its wage rate calculations for Rongxin in the *Final Results*. The CIT granted that request and in *China First* remanded the *Final Results* with instructions that the labor wage value be recalculated in accordance with the decision in *Dorbest*. *See China First*, 721 F. Supp. 2d at 1373.

On first remand, the Department adopted a wage calculation methodology with respect to Rongxin that averaged wages across countries that are both economically comparable

and significant producers of merchandise comparable to the subject merchandise. *See First Remand Results* at 7–31. In *Shandong Rongxin I*, the CIT again remanded to the Department to address two issues concerning the surrogate value for labor applied with respect to Rongxin in the First Remand Results: (1) The Department’s decision to omit certain labor data from its calculations because the data were reported under a previous revision of ISIC;¹ and (2) the Department’s methodology for determining whether a country is a significant producer of comparable merchandise within the meaning of section 773(c)(4) of the Act.

On second remand, the Department revised its wage rate methodology to rely upon labor cost data from a single surrogate country. *See Second Remand Results* at 4–6 (citing *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011)). Through this revised approach, the Department’s redetermination resulted in a change to Rongxin’s margin from 11.48 percent in the *Final Results* to 0.72 percent. The CIT sustained the Department’s Second Remand Results in *Shangdong Rongxin II*.

Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of the Act, the Department must publish a notice of a court decision that is not “in harmony” with a Department determination and must suspend liquidation of entries pending a “conclusive” court decision. The CIT’s August 30, 2011 judgment sustaining the Department’s remand redetermination with respect to Rongxin constitutes a final decision of that court that is not in harmony with the Department’s *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, 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. The cash deposit rate will remain the company-specific rate established for the subsequent and most recent period during which the respondent was

¹ The International Standard Industrial Classification of all Economic Activities (“ISIC”) is “a uniform, periodically updated system for the classification of economic activity, not unlike what the Harmonized Tariff Schedule is for the classification of imported merchandise.” *See Shandong Rongxin I*, Slip Op. 11–45 at 7, n.3.

reviewed. See *Certain Cased Pencils From the People's Republic of China: Final Results of the Antidumping Duty Administrative Review*, 76 FR 27988 (May 13, 2011).

Amended Final Results

Because there is now a final court decision with respect to Rongxin, the revised dumping margin is as follows:

Exporter	Margin (percent)
Shandong Rongxin Import & Export Co., Ltd	0.72

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 Rongxin on the revised assessment rate calculated by the Department.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: September 9, 2011.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-23681 Filed 9-14-11; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-427-801, A-428-801, A-475-801]

Ball Bearings and Parts Thereof From France, Germany and Italy: Final Results of Sunset Reviews and Revocation of Antidumping Duty Orders

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

SUMMARY: On August 1, 2011, the Department of Commerce (the Department) initiated the sunset reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, and Italy. See *Initiation of Five-Year ("Sunset") Review*, 76 FR 45778 (August 1, 2011) (*Initiation Notice*). Because no domestic interested party filed a notice of intent to participate in response to the notice of initiation of the sunset reviews by the applicable deadline, the Department is revoking the antidumping duty orders on ball bearings and parts thereof from France, Germany, and Italy.

DATES: *Effective Date:* September 15, 2011.

FOR FURTHER INFORMATION CONTACT:

Sandra Stewart at (202) 482-0768, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, the Department published in the *Federal Register* the antidumping duty orders on ball bearings and parts thereof from France, Germany, and Italy. See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, Spherical Plain Bearings, and Parts Thereof From France*, 54 FR 20902 (May 15, 1989), *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings and Parts Thereof From the Federal Republic of Germany*, 54 FR 20900 (May 15, 1989), and *Antidumping Duty Orders: Ball Bearings and Cylindrical Roller Bearings, and Parts Thereof From Italy*, 54 FR 20903 (May 15, 1989).

On August 1, 2011, the Department initiated the sunset reviews of the antidumping duty orders on ball bearings and parts thereof from France, Germany, and Italy pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). See *Initiation Notice*.¹ We received no notice of intent to participate in response to the notice of initiation from domestic interested parties by the applicable deadline. See 19 CFR 351.218(d)(1)(i). As a result, the Department has concluded that no domestic party intends to participate in the sunset reviews. See 19 CFR 351.218(d)(1)(iii)(A). On August 24, 2011, we notified the International Trade Commission, in writing, that we intend to revoke the antidumping duty orders on ball bearings and parts thereof from France, Germany, and Italy. See 19 CFR 351.218(d)(1)(iii)(B)(2).

Scope of the Orders

The products covered by the orders are ball bearings and parts thereof. These products include all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

¹ The Department inadvertently included two revoked antidumping duty orders in the *Initiation Notice*. See *Initiation of Five-Year ("Sunset") Review: Correction*, 76 FR 47149 (August 4, 2011).

Imports of these products are classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 3926.90.45, 4016.93.10, 4016.93.50, 6909.19.50.10, 8414.90.41.75, 8431.20.00, 8431.39.00.10, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.35, 8482.99.25.80, 8482.99.65.95, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.93.30, 8708.93.60.00, 8708.99.06, 8708.99.31.00, 8708.99.40.00, 8708.99.49.60, 8708.99.58, 8708.99.80.15, 8708.99.80.80, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, 8803.90.90, 8708.30.50.90, 8708.40.75.70, 8708.40.75.80, 8708.50.79.00, 8708.50.89.00, 8708.50.91.50, 8708.50.99.00, 8708.70.60.60, 8708.80.65.90, 8708.93.75.00, 8708.94.75, 8708.95.20.00, 8708.99.55.00, 8708.99.68, and 8708.99.81.80.

Although the HTSUS item numbers above are provided for convenience and customs purposes, the written descriptions of the scope of the orders remain dispositive.

The size or precision grade of a bearing does not influence whether the bearing is covered by one of the orders. The orders cover all the subject bearings and parts thereof (inner race, outer race, cage, rollers, balls, seals, shields, *etc.*) outlined above with certain limitations. With regard to finished parts, all such parts are included in the scope of the orders. For unfinished parts, such parts are included if they have been heat-treated or if heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by the orders are those that will be subject to heat treatment after importation. The ultimate application of a bearing also does not influence whether the bearing is covered by the orders. Bearings designed for highly specialized applications are not excluded. Any of the subject bearings, regardless of whether they may ultimately be utilized in aircraft, automobiles, or other equipment, are within the scope of the orders.

For a list of scope determinations which pertain to the orders, see the "Memorandum to Laurie Parkhill" regarding scope determinations for the 2009/2010 administrative reviews dated April 14, 2011, which is on file in the Central Records Unit (CRU) of the main Commerce building, room 7046, in the General Issues record (A-100-001).