

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: May 9, 2011.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2011-11847 Filed 5-12-11; 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: Rescission of Antidumping Duty Administrative Review**

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce ("the Department") initiated an administrative review of the antidumping duty order covering certain cased pencils ("pencils") from the People's Republic of China ("PRC"). The period of review is December 1, 2009, through November 30, 2010. Based on the withdrawal of these requests for review, we are now rescinding this administrative review.

**DATES:** *Effective Date:* May 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mahnaz Khan or David Layton, at (202) 482-0914 or (202) 482-0371, respectively; AD/CVD Operations, Office 1, 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 in the **Federal Register** 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 66909 (December 28, 1994) ("the order"). On December 1, 2010, the Department published a notice of opportunity to request an administrative review of the order covering the period December 1, 2009, through November 30, 2010. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request*

*Administrative Review*, 75 FR 74682 (December 1, 2010).

On December 20, 2010, in accordance with 19 CFR 351.213(b), Beijing Fila Dixon Stationery Company, Ltd. ("Beijing Dixon"), an exporter and an interested party, timely filed a request for administrative review of the order with respect to its exports. On December 29, 2009, Shandong Rongxin Import & Export, Co., Ltd. ("Rongxin"), a foreign producer and exporter, timely filed a request for administrative review of the order with respect to its exports. Based on these requests, on January 28, 2011, the Department initiated an administrative review of the antidumping duty order on pencils from the PRC. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 76 FR 5137 (January 28, 2011).

##### **Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. On March 15, 2011, Rongxin withdrew its request for administrative review. On April 6, 2011, Beijing Dixon withdrew its request for administrative review. Rongxin's and Beijing Dixon's withdrawal requests are within the 90-day period, and no other party requested an administrative review of the antidumping duty order on pencils from the PRC. Therefore, the Department hereby rescinds the administrative review of the antidumping duty order on pencils from the PRC for the period December 1, 2009, through November 30, 2010.

##### **Assessment**

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

##### **Notification to Importers**

This notice serves as a 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.

##### **Notification Regarding Administrative Protective Order**

This notice serves as a final 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 CFR 351.305(a)(3). 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 notice is issued and published in accordance with 19 CFR 351.213(d)(4).

Dated: May 9, 2011.

**Christian Marsh,**

*Deputy Assistant Secretary for AD/CVD Operations.*

[FR Doc. 2011-11849 Filed 5-12-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-942]

#### **Certain Kitchen Shelving and Racks From the People's Republic of China: Extension of Time Limit for Preliminary Results of Countervailing Duty Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Patricia Tran or Jennifer Meek, 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) 482-1503 and (202) 482-2778, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 28, 2010, and November 29, 2010, the Department of Commerce ("the Department") published notices of initiation of the administrative review of the countervailing duty order on certain kitchen appliance shelving and racks from the People's Republic of China, covering the review period January 7, 2009, through December 31, 2009. *See Initiation of Antidumping and Countervailing Duty Administrative*

*Reviews*, 75 FR 66349 (October 28, 2010) and *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 75 FR 73036 (November 29, 2010).<sup>1</sup> See also *Initiation of Antidumping and Countervailing Duty Administrative Reviews; Correction*, 75 FR 69054 (November 10, 2010). In the October 28, 2010 notice, we initiated on five companies requested by Nashville Wire Products Inc. and SSW Holding Company, Inc. (collectively “Petitioners”); after receiving further information from Petitioners, we initiated on two additional companies requested by Petitioners on November 29, 2010.

The current deadline for the preliminary results of this administrative review is June 2, 2011.

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

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (“the Act”), requires the Department to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and the final results of review within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

The full initiation of this review was delayed by one month because we required additional information from Petitioners concerning their review requests for particular companies. After the case was fully initiated, we determined that we needed to obtain quantity and value information for respondent selection purposes because we could not rely on U.S. Customs and Border Protection data, as is our usual practice. In this instance, the Harmonized Tariff Schedule of the United States categories including subject merchandise are overly broad and contain other products. See Memorandum from Joseph Shuler, International Trade Compliance Analyst of AD/CVD Operations, Office 1, to Susan H. Kuhbach, Director of AD/CVD Operations, Office 1, “Selection of Respondents for the Countervailing

Duty Administrative Review of Certain Kitchen Appliance Shelving and Racks from the People’s Republic of China” dated January 25, 2011. Given these delays, we do not have sufficient time to adequately analyze all questionnaire responses by the mandatory respondents, in addition to a new subsidy allegation filed by Petitioners, before the preliminary results due date. Consequently, we have determined that it is not practicable to complete this review within the originally anticipated time limit (*i.e.*, by June 2, 2011). Therefore, the Department is extending the time limit for completion of the preliminary results by 120 days to not later than September 30, 2011, in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

We are issuing and publishing this notice in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: May 9, 2011.

**Christian Marsh,**

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

[FR Doc. 2011–11845 Filed 5–12–11; 8:45 am]

**BILLING CODE 3510–DS–P**

## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

**[A–552–802]**

#### **Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: 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 April 14, 2011, the United States Court of International Trade (“CIT”) sustained the Department of Commerce’s (“the Department”) results of redetermination pursuant to the CIT’s remand order in *Amanda Foods (Vietnam) Ltd., et al., v. United States*, Consol. Court No. 08–00301 (June 17, 2010).<sup>1</sup>

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*, F.3d, Court No. 2010–1024, 1090 (Fed. Cir. December 9, 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 frozen warmwater shrimp from the Socialist Republic of Vietnam covering the period of review (“POR”) of February 1, 2006 through January 31, 2007, with respect to the separate rate margins assigned to Amanda Foods (Vietnam) Ltd.; C.P. Vietnam Livestock Co. Ltd., Cadovimex Seafood Import-Export and Processing Joint Stock Company; Cafatex Fishery Joint Stock Corporation; Can Tho Agricultural and Animal Product Import Export Company; Coastal Fishery Development; Cuulong Seaproducts Company; Danang Seaproducts Import Export Corporation; Frozen Seafoods Factory No. 32, Investment Commerce Fisheries Corporation; Kim Anh Co., Ltd.; Minh Hai Export Frozen Seafood Processing Joint Stock Company; Minh Hai Export Frozen Seafood Processing Joint-Stock Company; Minh Hai Joint-Stock Seafoods Processing Company; Minh Hai Sea Products Import Export Company (Seaprimex Co); Ngoc Sinh Private Enterprise; Nha Trang Fisheries Joint Stock Company; Nha Trang Seaproduct Company; Phu Cuong Seafood Processing and Import-Export Co., Ltd.; Phuong Nam Co. Ltd., Sao Ta Foods Joint Stock Company; Soc Trang Aquatic Products and General Import Export Company; UTXI Aquatic Products Processing Company; and Viet Foods Co., Ltd. (collectively, the “23 Plaintiffs”). See *Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 52273 (September 9, 2008) and accompanying Issues and Decision Memorandum (“*Final Results*”).

**DATES:** Effective Date: (April 24, 2011)

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230; telephone: (202) 482–6905.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

In the second administrative review of the antidumping duty order on shrimp from Vietnam, the Department reviewed

<sup>1</sup> The Department notes that only the period of review (“POR”) for the antidumping duty administrative review was included in the October 28, 2010 notice, see generally 75 FR 69059. All notices concerning the countervailing duty review of the order apply to the POR referenced in the initiation notices and this notice—January 7, 2009 through December 31, 2009.

<sup>1</sup> See Final Results Of Redetermination Pursuant To Court Remand, Court No. 08–00301, dated December 3, 2010, available at: <http://ia.ita.doc.gov/remands/index.html> (“*Amanda II* remand redetermination”); see also *Amanda Foods (Vietnam) Ltd., et al., v. United States*, Court No. 08–00301 (CIT April 14, 2011) Slip Op. 11–39 (judgment).