

qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

*Whereas*, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

*Whereas*, the City of Baltimore, Maryland, grantee of Foreign-Trade Zone 74, has made application to the Board for authority to establish a special-purpose subzone at the garlic products manufacturing facility of Tulkoff Food Products, Inc., located in Baltimore, Maryland (FTZ Docket 32-2009, filed 8-3-2009);

*Whereas*, notice inviting public comment has been given in the **Federal Register** (74 FR 40567, 8-12-2009) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that the proposal would be in the public interest if subject to the restrictions listed below;

*Now, therefore*, the Board hereby grants authority for subzone status for activity related to the manufacture of garlic products at the Tulkoff Food Products, Inc., facility located in Baltimore, Maryland (Subzone 74C), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.28, and further subject to the following conditions:

1. All foreign-origin dehydrated garlic admitted to the subzone in foreign status must be re-exported.
2. All foreign-origin dehydrated garlic to be used in production for U.S. consumption must be admitted to the subzone in domestic (duty-paid) status (19 CFR 146.43).

Signed at Washington, DC, this 12th day of January 2011.

**Ronald K. Lorentzen**,

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

ATTEST:

**Andrew McGilvray**,

*Executive Secretary.*

[FR Doc. 2011-1382 Filed 1-24-11; 8:45 am]

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## DEPARTMENT OF COMMERCE 3510-DS-P

### Foreign-Trade Zones Board

[Order No. 1738]

#### Reorganization of Foreign-Trade Zone 22 Under Alternative Site Framework; Chicago, IL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

*Whereas*, the Board adopted the alternative site framework (ASF) in December 2008 (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09; 75 FR 71069-71070, 11/22/10) as an option for the establishment or reorganization of general-purpose zones;

*Whereas*, the Illinois International Port District, grantee of Foreign-Trade Zone 22, submitted an application to the Board (FTZ Docket 33-2010, filed 5/7/2010) for authority to reorganize under the ASF with a service area of Cook, Du Page, Grundy, Kankakee, Kendall, Lake and Will Counties and portions of McHenry and Kane Counties, Illinois, in and adjacent to the Chicago Customs and Border Protection port of entry, FTZ 22's existing Sites 1, 2, 5, 6, 7, 8, 10, 11, 13 and 15 would be categorized as magnet sites, existing Sites 3, 4, 9, 12, 14, 16, 17 and 18 as usage-driven sites, and the grantee proposes one initial usage-driven site (Site 19);

*Whereas*, notice inviting public comment was given in the **Federal Register** (75 FR 27983-27984, 5/19/2010) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

*Whereas*, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

*Now, therefore*, the Board hereby orders:

The application to reorganize FTZ 22 under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 2, 5, 6, 7, 8, 10, 11, 13 and 15 if not activated by January 31, 2016, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Sites 3, 4, 9, 12, 14, 16, 17, 18 and 19 if no foreign-

status merchandise is admitted for a *bona fide* customs purpose by January 31, 2014.

Signed at Washington, DC, this 12 day of January 2011.

**Ronald K. Lorentzen**,

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

**Andrew McGilvray**,

*Executive Secretary.*

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## 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 January 3, 2011, the United States Court of International Trade ("CIT") sustained in an unpublished judgment the Department of Commerce's ("the Department") results of redetermination as applied to respondents China First Pencil Co., Ltd. ("China First") and Shanghai Three Star Stationery Industry Corp. ("Three Star") and separate rate company Orient International Holding Shanghai Foreign Trade Co., Ltd. ("SFTC") pursuant to the CIT's remand order in *China First Pencil Co., Ltd. v. United States*, 721 F. Supp. 2d 1369 (Ct. Int'l Trade 2010) ("*China First*"). See Final Results of Redetermination Pursuant to Remand, Court No. 09-00325, dated December 20, 2010, available at <http://ia.ita.doc.gov/remands> ("Remand Results"); *China First Pencil Co., Ltd. v. United States*, Court No. 09-00325 (Ct. Int'l Trade January 3, 2011) (judgment). 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