

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-814]

**Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision**

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

**SUMMARY:** On January 6, 2011, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department") results of redetermination, which construed the scope of the *Order*<sup>1</sup> as excluding carbon steel butt-weld pipe fittings from the People's Republic of China ("PRC") used in structural applications, pursuant to the CIT's remand order in *King Supply Co. LLC, d/b/a King Architectural Metals v. United States*, Slip Op. 10-111, Court No. 09-00477 (September 30, 2010) ("*King Supply I*"). See Final Results of Redetermination Pursuant to Remand, Court No. 09-00477, dated December 1, 2010; *King Supply Co. LLC, d/b/a King Architectural Metals, v. United States*, Slip Op. 11-2, Court No. 09-00477 (January 6, 2011) ("*King Supply 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 scope ruling and is amending its final scope ruling on carbon steel butt-weld pipe fittings from the PRC used in structural applications. See Memorandum from Edward C. Yang, Senior NME Coordinator for Import Administration to John M. Andersen, Acting Deputy Assistant Secretary for Import Administration, Final Scope Ruling: Antidumping Duty Order on Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, dated October 20, 2009 ("Final Scope Ruling").

**DATES:** *Effective Date:* January 16, 2011.

<sup>1</sup> See *Antidumping Duty Order and Amendment to the Final Determination of Sales at Less Than Fair Value; Certain Carbon Steel Butt-Weld Pipe Fittings From the People's Republic of China*, 57 FR 29702 (July 6, 1992) ("*Order*").

**FOR FURTHER INFORMATION CONTACT:** Alex Villanueva, 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) 482-3208.

**SUPPLEMENTARY INFORMATION:****Background**

On July 13, 2009, the Department issued a final scope ruling on carbon steel butt-weld pipe fittings from the PRC used in structural applications. See Final Scope Ruling. In the Final Scope Ruling, the Department found that carbon steel butt-weld pipe fittings from the PRC used in structural applications were covered by the *Order* because they met the physical description of subject merchandise. See Final Scope Ruling, at 6.

In *King Supply I*, the CIT determined that the scope language of the *Order* contains an end-use element that results in the exclusion of pipe fittings used to join sections in structural applications from the *Order*. Therefore, the CIT ordered the Department to issue a scope determination that construes the scope of the *Order* as excluding carbon steel butt-weld pipe fittings used in structural applications. See *King Supply I*, at 3.

On December 1, 2010, the Department issued its final results of redetermination pursuant to *King Supply I*. Pursuant to the remand order in *King Supply I*, we construed the scope of the *Order* as excluding carbon steel butt-weld pipe fittings used only in structural applications. The CIT sustained the Department's remand redetermination on January 6, 2011. See *King Supply 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 January 6, 2011, judgment sustaining the Department's remand redetermination construing the scope of the *Order* as excluding carbon steel butt-weld pipe fittings used only in structural applications, constitutes a final decision of that court that is not in harmony with the Department's Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of carbon steel butt-weld pipe fittings from the PRC

used only in structural applications pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate on carbon steel butt-weld pipe fittings used only in structural applications will be zero percent.

**Amended Final Scope Ruling**

Because there is now a final court decision with respect to carbon steel butt-weld pipe fittings from the PRC used in structural applications, the Department amends its final scope ruling and now finds that the scope of the *Order* excludes carbon steel butt-weld pipe fittings used only in structural applications. The Department will instruct U.S. Customs and Border Protection ("CBP") that the cash deposit rate on carbon steel butt-weld pipe fittings used only in structural applications will be zero percent. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct CBP to liquidate entries of carbon steel butt-weld pipe fittings from the PRC used only in structural applications without regard to antidumping duties, and to lift suspension of liquidation of such entries.

This notice is issued and published in accordance with sections 516A(c)(1) of the Tariff Act of 1930, as amended.

Dated: January 20, 2011.

**Ronald K. Lorentzen,**  
Deputy Assistant Secretary for Import Administration.

[FR Doc. 2011-1650 Filed 1-25-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

## International Trade Administration

**North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews**

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Decision of Panel.

**SUMMARY:** On January 18, 2011, the binational panel issued its decision in the review of the United States International Trade Commission's (the Commission) final injury determination in Certain Welded Large Diameter Line Pipe from Mexico (NAFTA Secretariat File Number USA-MEX-2007-1904-03). The binational panel remanded the Commission's determination. The Commission is directed to issue its determination on remand on or before

March 22, 2011. Copies of the panel's decision are available from the U.S. Section of the NAFTA Secretariat.

**FOR FURTHER INFORMATION CONTACT:** Valerie Dees, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

Dated: January 21, 2011.

**Valerie Dees,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 2011-1668 Filed 1-25-11; 8:45 am]

**BILLING CODE 3510-GT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-900]

#### **Diamond Sawblades and Parts Thereof From the People's Republic of China (PRC): Rescission of Antidumping Duty New-Shipper Review**

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

**SUMMARY:** In response to a request from Hanson Diamond Tools (Danyang) Co., Ltd. (Hanson), the Department of Commerce (the Department) initiated a new-shipper review of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China (PRC) covering the period January 23, 2009, through October 31, 2010. On January 10, 2011, Hanson withdrew its request; therefore, we are rescinding this new-shipper review.

**DATES:** *Effective Dates:* January 26, 2011.

**FOR FURTHER INFORMATION CONTACT:** Catherine Cartsos or Aditi Palli, AD/CVD Operations 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1757 and (202) 482-7871, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On January 6, 2011, the Department initiated an antidumping duty new-shipper review of Hanson. See *Diamond Sawblades and Parts Thereof From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 76 FR 775 (January 6, 2011). On January 10, 2011, Hanson withdrew its request for a new-shipper review.

#### **Rescission of New-Shipper Review**

Section 351.214(f)(1) of the Department's regulations provides that the Department may rescind a new-shipper review if the party that requested the review withdraws its request for review within 60 days of the date of publication of the notice of initiation of the requested review. Hanson withdrew its request for a review on January 10, 2011, which is within the 60-day deadline. Therefore, the Department is rescinding the new-shipper review of Hanson.

Effective with the publication of this notice, entries of diamond sawblades and parts thereof from the PRC from Hanson will be subject to the PRC-wide cash-deposit rate of 164.09 percent.

#### **Notification**

This notice serves as the only reminder to parties subject to administrative protective orders (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 material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

This rescission and notice are published in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: January 20, 2011.

**Gary Taverman,**

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

[FR Doc. 2011-1651 Filed 1-25-11; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### **Proposed Information Collection; Comment Request; Implantation and Recovery of Archival Tags for Highly Migratory Species**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before March 28, 2011.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Michael Clark, (301) 713-2347 or [michael.clark@noaa.gov](mailto:michael.clark@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

#### **I. Abstract**

This request is for an extension of a currently approved information collection. The National Oceanic and Atmospheric Administration (NOAA) allows scientists to implant archival tags in, or affix archival tags to, selected Atlantic Highly Migratory Species (tunas, sharks, swordfish, and billfish). Archival tags collect location, temperature, and water depth data that is useful for scientists researching the movements and behavior of individual fish. It is often necessary to retrieve the tags in order to obtain the collected data; therefore, persons catching tagged fish are exempted from other normally applicable regulations (*i.e.*, immediate release of the fish, minimum size, prohibited species, retention limits). These participants must notify NOAA, return the archival tag or make it available to NOAA personnel, and provide information about the location and method of capture if they harvest a fish that has an archival tag. The information obtained is used by NOAA in the formation of international and