

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

### Background

On September 29, 2010, the U.S. Department of Commerce (Department) published a notice of initiation of the administrative review of the antidumping duty order on corrosion-resistant carbon steel flat products from Korea, covering the period August 1, 2009, to July 31, 2010. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 75 FR 60076 (September 29, 2010).

On September 6, 2011, the Department published the preliminary results of this review. *See Certain Corrosion-Resistant Carbon Steel Flat Products From the Republic of Korea: Preliminary Results of the Seventeenth Antidumping Duty Administrative Review*, 76 FR 55004 (September 6, 2011). The final results of this review are currently due no later than January 4, 2012.

### Extension of Time Limit of the Final Results

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the final results of a review within 120 days after the date on which the preliminary results are published. However, if it is not practicable to complete the review within that time period, section 751(a)(3)(A) of the Act allows the Department to extend the time limit for the final results to a maximum of 180 days. *See also* 19 CFR 351.213(h)(2).

We determine that it is not practicable to complete the final results of this review within the original time limit because additional time is needed to gather and analyze a significant amount of information pertaining to the company requesting revocation. Also, given the number and complexity of issues in this case, the Department is fully extending the time limit for the final results. The final results are now due no later than March 4, 2012. As that day falls on a Sunday, the final results are due no later than March 5, 2012. *See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant of the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).

This extension is in accordance with section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2). This notice is published pursuant to sections 751(a)(1) and 777(i)(1) of the Act.

Dated: November 3, 2011.

**Gary Taverman,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-899]

### Artist Canvas From the People's Republic of China: Continuation of the Antidumping Duty Order

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

**SUMMARY:** As a result of the determinations by the Department of Commerce ("Department") and the International Trade Commission ("ITC") that revocation of the antidumping duty order on artist canvas from the People's Republic of China ("PRC") would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the antidumping duty order.

**DATES:** *Effective Date:* November 9, 2011.

**FOR FURTHER INFORMATION CONTACT:** Brooke Kennedy or Eugene Degnan, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; *telephone:* (202) 482-3818 or (202) 482-0414, respectively.

**SUPPLEMENTARY INFORMATION:** On May 2, 2011, the Department initiated the first sunset review of the antidumping duty order on artist canvas from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended ("Act"). *See Initiation of Five-Year ("Sunset") Review*, 76 FR 24459 (May 2, 2011) ("*Sunset Initiation*").

As a result of its review, the Department determined that revocation of the antidumping duty order on artist canvas from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked. *See Artist Canvas from the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order*, 76 FR 55351 (September 7, 2011). On October 12, 2011, the ITC determined, pursuant to

section 751(c) of the Act, that revocation of the antidumping duty order on artist canvas from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See* USITC Publication 4273 (October 2011), *Artist Canvas from China: Investigation No. 731-TA-1091 (First Review)*, and *Artist Canvas from China*, 76 FR 67208 (October 31, 2011).

### Scope of the Order

The products covered by this order are artist canvases regardless of dimension and/or size, whether assembled or unassembled, that have been primed/coated, whether or not made from cotton, whether or not archival, whether bleached or unbleached, and whether or not containing an ink receptive top coat. Priming/coating includes the application of a solution, designed to promote the adherence of artist materials, such as paint or ink, to the fabric. Artist canvases (*i.e.*, pre-stretched canvases, canvas panels, canvas pads, canvas rolls (including bulk rolls that have been primed), printable canvases, floor cloths, and placemats) are tightly woven prepared painting and/or printing surfaces. Artist canvas and stretcher strips (whether or not made of wood and whether or not assembled) included within a kit or set are covered by this proceeding.

Artist canvases subject to this order are currently classifiable under subheadings 5901.90.20.00 and 5901.90.40.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Specifically excluded from the scope of this order are tracing cloths, "paint by number" or "paint-it-yourself" artist canvases with a copyrighted preprinted outline, pattern, or design, whether or not included in a painting set or kit.<sup>1</sup> Also excluded are stretcher strips, whether or not made from wood, so long as they are not incorporated into artist canvases or sold as part of an artist canvas kit or set. While the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Additionally, we have determined that canvas woven and primed in the India, but cut, stretched and framed in the PRC and exported from the PRC, are not subject to the order covering artist canvas from the PRC.

<sup>1</sup> Artist canvases with a non-copyrighted preprinted outline, pattern, or design are included in the scope, whether or not included in a painting set or kit.

Subsequent to the issuance of the Order, we issued the following scope rulings:

On April 10, 2008, in response to an inquiry from Tara Materials, Inc., the Department ruled that artist canvas that has been woven, primed with gesso, and cut to size in the United States and shipped to the PRC, is excluded from the scope. See *Notice of Scope Rulings*, 73 FR 49418 (August 21, 2008).

On May 25, 2009, in response to an inquiry from C2F, Inc., the Department ruled that artist canvas that has been woven and primed in South Korea, then cut to size and framed in the PRC, and thereafter imported into the United States, is excluded from the scope. See *Notice of Scope Rulings*, 74 FR 49859 (September 29, 2009).

On July 9, 2009, in response to an inquiry from Art Supplies Enterprises, Inc., the Department ruled that artist canvas that has been woven and primed in Vietnam, then cut to size and framed in the PRC, is excluded from the scope. See *Notice of Scope Rulings*, 75 FR 14138 (March 24, 2010).

On August 8, 2009, in response to an inquiry from Art Supplies Enterprises, Inc., the Department ruled that artist canvas that has been woven and primed in India, then cut and framed in the PRC, is excluded from the scope. See *Notice of Scope Rulings*, 75 FR 14138 (March 24, 2010).

On May 13, 2010, in response to an inquiry from Wuxi Phoenix Artist Materials Co, Inc., the Department ruled that artist canvas that is coated and primed in Vietnam, then cut and framed in the PRC, is excluded from the scope. See *Notice of Scope Rulings*, 75 FR 79339 (December 20, 2010).

On July 19, 2010, in response to an inquiry from Masterpiece Artist, the Department ruled that scrapbooking canvas, which is artist canvas used for scrapbooking purposes, is included in the scope.<sup>2</sup>

#### Continuation of the Order

As a result of these determinations by the Department and the ITC that revocation of the antidumping duty order on artist canvas would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping order on artist canvas from the PRC. U.S. Customs and Border Protection will continue to collect antidumping duty cash deposits at the rates in effect at the

time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (sunset) review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: October 31, 2011.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-904]

#### **Certain Activated Carbon 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 October 24, 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 *Calgon Carbon Corporation, et al. v. United States*, Consol. Court No. 09-00524 (February 17, 2011) ("*Remand*").<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

<sup>1</sup> See Final Results Of Redetermination Pursuant To Court Remand, Court No. 09-00524, dated July 25, 2011, available at: <http://www.ia.ita.doc.gov/remands/index.html> ("*Carbon Remand*"). The previous action, *Calgon Carbon Corporation, et al. v. United States*, Court No. 09-00518 was "deconsolidated" which resulted in a caption change to *Hebei Foreign Trade and Advertising Corporation, et al. v. United States*, Court No. 09-00524 (CIT October 24, 2011) Slip Op. 11-134 (judgment).

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 activated carbon from the People's Republic of China ("PRC") covering the period of review ("POR") of October 11, 2006 through March 31, 2008, with respect to the separate rate margin assigned to Hebei Foreign Trade and Advertising Corporation ("Hebei Foreign") and the margin assigned to Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd., and its affiliate<sup>2</sup> (collectively "Cherishmet"). See *First Administrative Review of Certain Activated Carbon From the People's Republic of China: Final Results*, 74 FR 57995 (November 10, 2009) ("*Final Results*") and accompanying Issues and Decision Memorandum ("IDM") and *Certain Activated Carbon From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review*, 74 FR 66952 (December 17, 2009) ("*Amended Final Results*") (collectively "*AR1 Final Results*").

**DATES:** *Effective Date:* October 24, 2011.

#### **FOR FURTHER INFORMATION CONTACT:**

Robert Palmer, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-9068.

**SUPPLEMENTARY INFORMATION:** In the first administrative review of the antidumping duty order on certain activated carbon from the PRC, the Department did not grant Hebei Foreign a separate rate, stating that record evidence demonstrated that Hebei Foreign's separate rate company certification was certified by Mr. Wang Kezhang, who was not employed by Hebei Foreign, and, therefore, the Department could not consider the separate rates certification to have been properly certified on behalf of the company in accordance with the filing requirements of 19 CFR 351.303(g)(1).<sup>3</sup> The CIT remanded to the Department to explain the requirements of 19 CFR 351.303(g)(1) and permit Hebei Foreign to attempt to find an alternative individual who fulfills the Department's regulatory requirements regarding certifications if the Department

<sup>2</sup> The Department found Ningxia Guanghua Cherishmet Activated Carbon Co., Ltd. and Beijing Pacific Activated Carbon Products Co., Ltd. (hereinafter referred to as "Cherishmet") to be affiliated and a single entity in *Final Results* at 74 FR 57998.

<sup>3</sup> See *Final Results* IDM at Comment 22.

<sup>2</sup> See *Notice of Scope Rulings*, 76 FR 10558 (February 25, 2011).