

program. The reduced cost of the SFCP and the increased surveillance achieved through the revised program will allow APHIS to continue to move efficiently toward full scrapie eradication.

If a participant with a flock currently in the Complete Monitored category chooses to join the Export Monitored category instead of the Select Monitored category, the flock will become an Export Monitored flock with the same status date that it held on its conversion date. If it is a Certified flock, it will become an Export Monitored flock with 5 years of time in status. APHIS will list the flock as both an Export Monitored flock and a Certified flock on its Web site for 3 years or until it achieves Export Certified status. After 3 years, flocks that have not achieved Export Certified status would be listed only as Export Monitored. Most former Certified flocks that join should be able to achieve Export Certified status within 2 years, since Certified status required 5 years of successful monitoring and Export Certified status requires 7 years.

We welcome public comment on this notice and the proposed revisions to the SFCP program standards. If no substantive changes to the revised SFCP are deemed necessary by the APHIS Administrator, the revised SFCP program will come into effect 7 days after the close of the comment period for this notice. If substantive changes are deemed necessary, we will publish an additional document in the **Federal Register** to discuss them; otherwise, the final version of the revised SFCP program standards will be announced and made available on the APHIS Web site at [http://www.aphis.usda.gov/animal\\_health/animal\\_diseases/scrapie/](http://www.aphis.usda.gov/animal_health/animal_diseases/scrapie/).

Done in Washington, DC, this 29th day of April 2013.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2013-10543 Filed 5-2-13; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-891]

#### **Hand Trucks and Certain Parts Thereof 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 April 24, 2013, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) final results of remand determination, regarding the scope of the *Hand Trucks Order*<sup>1</sup> excluding the WelCom Products MCK Magna Cart pursuant to the CIT's remand order in *WelCom Products, Inc. v. United States*, Court No. 11-00370, Slip Op. 12-124 (September 27, 2012) (*WelCom*). See Results of Redetermination Pursuant to Court Order, Court No. 11-00370, dated December 20, 2012 (WelCom MCK Magna Cart Remand Results). Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) 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 WelCom Products' MCK Magna Cart. See the memorandum entitled "Hand Trucks and Certain Parts Thereof from the People's Republic of China (PRC): Final Scope Ruling—WelCom Products MC2 Magna Cart, MCI Magna Cart, and MCK Magna Cart," dated September 6, 2011 (Final Scope Ruling).

**DATES:** *Effective Date:* May 4, 2013.

**FOR FURTHER INFORMATION CONTACT:** Steve Bezirgianian or Robert James, AD/CVD Operations, Office 7, Import Administration—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone (202) 482-1131 or (202) 482-0649, respectively.

#### **SUPPLEMENTARY INFORMATION:**

<sup>1</sup> See *Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China*, 69 FR 70122 (December 2, 2004) (*Hand Trucks Order*).

## Background

On October 12, 2010, WelCom Products (WelCom) submitted a request inquiring whether three of its products, the MC2 Magna Cart, MCI Magna Cart, and MCK Magna Cart, are outside of the scope of the *Hand Trucks Order*. In the Final Scope Ruling, the Department found the MC2 Magna Cart and the MCI Magna Cart are not within the scope of the hand trucks order, but the MCK Magna Cart is within the scope of the *Hand Trucks Order*. WelCom challenged the Department's final determination with respect to the MCK Magna Cart, and U.S. producer Gleason Industries challenged the Department's final determination with respect to the MC2 Magna Cart and the MCI Magna Cart. The Court sustained the Department's ruling with respect to the latter two products, but found the Department's decision regarding the MCK Magna Cart to be unreasonable. With respect to the MCK Magna Cart, the Court found the Department had not justified its conclusion in light of the Department's prior scope rulings, and, therefore, the ruling must be set aside and reconsidered. The Court ordered the Department to reconsider its conclusion that the entire telescoping portion of the frame must be less than 5/8" in diameter in order for a product to meet scope exclusion language in the order, and to further consider the record developed in the ITC injury determination. See *WelCom* at 14. Pursuant to the Court's order in *WelCom*, in WelCom MCK Magna Cart Remand Results we determined that the MCK Magna Cart is outside the scope of the *Hand Trucks Order*.<sup>2</sup> The CIT sustained the Department's remand redetermination on April 24, 2013. See *WelCom Products, Inc. v. United States*, Court Number 11-0370, Slip Op. 1354, April 24, 2013.

#### **Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the Federal Circuit has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (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 April 24, 2013, judgment sustaining the Department's remand redetermination construing the scope of

<sup>2</sup> The Department noted that it was conducting the remand respectfully under protest. See WelCom MCK Magna Cart Remand Results at 2. See also *Viraj Group, Ltd. v. United States*, 343 F.3d 1371 (Fed. Cir. 2003).

the *Hand Trucks Order* as not covering WelCom's MCK Magna Cart 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 WelCom's MCK Magna Cart from the PRC pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate on WelCom's MCK Magna Cart will be zero percent.

#### Amended Final Scope Ruling

Because there is now a final court decision with respect to WelCom's MCK Magna Cart, the Department amends its final scope ruling and now finds that the scope of the *Hand Trucks Order* does not cover WelCom's MCK Magna Cart. The Department will instruct U.S. Customs and Border Protection (CBP) that the cash deposit rate on WelCom's MCK Magna Cart will be zero percent. In the event the CIT's ruling is not appealed or, if appealed, upheld by the Federal Circuit, the Department will instruct CBP to liquidate entries of WelCom's MCK Magna Cart without regard to antidumping duties, and to lift suspension of liquidation of such entries.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: April 29, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-986]

#### Hardwood and Decorative Plywood From the People's Republic of China: Antidumping Duty Investigation

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

**DATES:** *Effective Date:* May 3, 2013.

**SUMMARY:** The Department of Commerce ("Department") preliminarily determines that hardwood and decorative plywood ("plywood") from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Tariff Act of 1930, as amended ("the

Act"). The period of investigation ("POI") is January 1, 2012, through June 30, 2012. The estimated margins of sales at LTFV are shown in the "Preliminary Determination" section of this notice. The final determination will be issued 75 days after publication of this preliminary determination in the **Federal Register**.

#### FOR FURTHER INFORMATION CONTACT:

Katie Marksberry or Kabir Archuleta, 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) 482-7906 or (202) 482-2593, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Investigation

The merchandise subject to this investigation is hardwood and decorative plywood. Hardwood and decorative plywood is a flat panel composed of an assembly of two or more layers or plies of wood veneers in combination with a core. The veneers, along with the core, are glued or otherwise bonded together to form a finished product. A hardwood and decorative plywood panel must have face and back veneers which are composed of one or more species of hardwoods, softwoods, or bamboo. Hardwood and decorative plywood may include products that meet the American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP-1-2009.

All hardwood and decorative plywood is included within the scope of this investigation, without regard to dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, thickness of inner veneers, width, or length). However, the most common panel sizes of hardwood and decorative plywood are 1219 × 1829 mm (48 × 72 inches), 1219 × 2438 mm (48 × 96 inches), and 1219 × 3048 mm (48 × 120 inches).

A "veneer" is a thin slice of wood which is rotary cut, sliced or sawed from a log, bolt or flitch. The face veneer is the exposed veneer of a hardwood and decorative plywood product which is of a superior grade than that of the back veneer, which is the other exposed veneer of the product (*i.e.*, as opposed to the inner veneers). When the two exposed veneers are of equal grade, either one can be considered the face or back veneer. For products that are entirely composed of veneer, such as Veneer Core Platforms, the exposed veneers are to be considered the face

and back veneers, in accordance with the descriptions above.

The core of hardwood and decorative plywood consists of the layer or layers of one or more material(s) that are situated between the face and back veneers. The core may be composed of a range of materials, including but not limited to veneers, particleboard, and medium-density fiberboard ("MDF").

All hardwood and decorative plywood is included within the scope of this investigation regardless of whether or not the face and/or back veneers are surface coated, unless the surface coating obscures the grain, texture or markings of the wood. Examples of surface coatings which may not obscure the grain, texture or markings of the wood include, but are not limited to, ultra-violet light cured polyurethanes, oil or oil-modified or water based polyurethanes, wax, epoxy-ester finishes, and moisture-cured urethanes. Hardwood and decorative plywood that has face and/or back veneers which have an opaque surface coating which obscures the grain, texture or markings of the wood, are not included within the scope of this investigation. Examples of surface coatings which may obscure the grain, texture or markings of wood include, but are not limited to, paper, aluminum, high pressure laminate ("HPL"), MDF, medium density overlay ("MDO"), and phenolic film). Additionally, the face veneer of hardwood and decorative plywood may be sanded, smoothed or given a "distressed" appearance through such methods as hand-scraping or wire brushing. The face veneer may be stained.

The scope of the investigation excludes the following items: (1) Structural plywood (also known as "industrial plywood" or "industrial panels") that is manufactured and stamped to meet U.S. Products Standard PS 1-09 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), including but not limited to the "bond performance" requirements set forth at paragraph 5.8.6.4 of that Standard and the performance criteria detailed at Table 4 through 10 of that Standard; (2) products which have a face and back veneer of cork; (3) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on Multilayered Wood Flooring from the People's Republic of China, Import Administration, International Trade Administration, U.S. Department of Commerce Investigation Nos. A-570-970 and C-