

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the *Order* is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *AD Order* and the magnitude of the margins likely to prevail if the *AD Order* were revoked, is provided in the Issues and Decision Memorandum, which is hereby adopted by this notice.⁵ A list of topics included in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the Internet at <http://enforcement.trade.gov/frn/>. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to section 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the *AD Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 31.21 percent.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or 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 violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with

sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
 - II. Background
 - III. Scope of the *Order*
 - IV. History of the *Order*
 - V. Discussion of the Issues
 1. Likelihood of Continuation or Recurrence of Dumping
 2. Magnitude of the Margins Likely to Prevail
 - VI. Final Results of Sunset Review
 - VII. Recommendation
- [FR Doc. 2017-18590 Filed 8-31-17; 8:45 am]
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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-827]

Certain Cased Pencils From the People's Republic of China: Continuation of Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on certain cased pencils 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 this notice of continuation of the AD order.

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-1785.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1994, the Department published the AD order on

certain cased pencils from the PRC.¹ On June 1, 2016, the Department published the notice of initiation of the fourth sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).² As a result of its review, the Department determined that revocation of the *Order* would likely lead to a continuation or recurrence of dumping.³ The Department, therefore, notified the ITC of the magnitude of the margins likely to prevail should the *Order* be revoked. On August 17, 2017, the ITC determined that revoking the *Order* on certain cased pencils from the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.⁴

Scope of the Order

Imports covered by the *Order* are shipments of certain cased pencils of any shape or dimension (except as described below) which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (e.g., with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to the *Order* are currently classifiable under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifically excluded from the scope of the *Order* are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the *Order* are pencils with all of the following physical characteristics: (1) Length: 13.5 or more inches; (2) sheath diameter: Not less than one-and-one quarter inches at any point (before sharpening); and (3) core length: Not more than 15 percent of the length of the pencil. In addition, pencils with all of the following physical

¹ See *Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China*, 59 FR 66909 (December 28, 1994) (*Order*).

² See *Initiation of Five-Year (Sunset) Review*, 81 FR 34974 (June 1, 2016).

³ See *Certain Cased Pencils from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order*, 81 FR 69513 (October 6, 2016), and accompanying Issues and Decision Memorandum.

⁴ See *Cased Pencils from China*, Inv. No. 731-TA-669 (Fourth Review), 82 FR 40019 (August 23, 2017).

⁵ See Issues and Decision Memorandum.

characteristics are excluded from the scope of the *Order*: Novelty jumbo pencils that are octagonal in shape, approximately ten inches long, one inch in diameter before sharpening, and three-and-one eighth inches in circumference, composed of turned wood encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the merchandise covered by the scope of the *Order* is dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), the Department hereby orders the continuation of the *Order* on certain cased pencils from the PRC. U.S. Customs and Border Protection will continue to collect AD 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 and 19 CFR 351.218(f)(4).

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-122-857]

Certain Softwood Lumber Products From Canada: Postponement of Final Determination of Less-Than-Fair-Value Investigation and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is postponing until November 13, 2017, the deadline for issuing the final determination in the less-than-fair-value (LTFV) investigation of certain softwood lumber products (softwood lumber) from Canada, and is extending the provisional measures from a four-month period to a period of not more than six months. As the deadline for the final determination of the countervailing duty (CVD) investigation of softwood lumber from Canada is aligned with the deadline for the final determination of the LTFV investigation, the final CVD determination will also be issued no later than November 13, 2017.

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0193.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 2017, and June 30, 2017, respectively, the Department published its preliminary determinations in the CVD and LTFV investigations of softwood lumber from Canada.¹ In the *CVD Preliminary Determination*, at the request of the petitioner,² the Department aligned the final deadline for the CVD investigation with the final determination of the LTFV investigation.³

¹ See *Certain Softwood Lumber Products from Canada: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination*, 82 FR 19657 (April 28, 2017) (*CVD Preliminary Determination*) and *Certain Softwood Lumber Products from Canada: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 29833 (June 30, 2017) (*LTFV Preliminary Determination*).

² The Committee Overseeing Action for Lumber International Trade Investigations or Negotiations (the petitioner).

³ See *CVD Preliminary Determination*, 82 FR at 19657-19658.

On May 26, 2017, and June 26, 2017, Canfor Corporation (Canfor), Resolute FP Canada Inc. (Resolute), Tolko Marketing and Sales Ltd. and Tolko Industries Ltd. (Tolko), and West Fraser Mills Ltd., (West Fraser) (collectively, the Company Respondents), requested that the Department fully extend the deadline for the final LTFV determination, and extend the application of the provisional measures from a four-month period to a period of not more than six months.⁴

Postponement of Final LTFV Determination and Aligned Final CVD Determination

Given the complexity of these investigations and the volume of information on the records of these proceedings that needs to be analyzed, the Department finds that postponement is warranted in the LTFV investigation and the aligned CVD investigation covering softwood lumber from Canada. Further, because of the ongoing discussions between the Governments of the United States and Canada focusing on a durable solution to this long-standing trade dispute, postponement of these aligned investigations is also warranted. This additional time will afford the Department the time to both address the factual and legal matters on the records of these proceedings, as well as continue discussions on this broader cross-border trade dispute.

Therefore, pursuant to 735(a)(2)(A) of the Tariff Act of 1930, as amended, the Department is (1) postponing the LTFV final determination until no later than November 13, 2017, which is 135 days after the date of the publication of the *LTFV Preliminary Determination*, and (2) extending the provisional measures from a four-month period to a period of not more than six months. Further, as noted above, because the CVD investigation is aligned with the LTFV investigation, the Department will also issue its final determination in the CVD investigation no later than November 13, 2017.⁵

This notice is issued and published pursuant to 19 CFR 351.210(g).

⁴ See Letters from Canfor, Resolute, Tolko, and West Fraser dated May 26, 2017, June 26, 2017, May 26, 2017, and May 26, 2017, respectively.

⁵ Postponing the final determinations to 135 days after the publication of the *LTFV Preliminary Determination* would place the deadline on Sunday, November 12, 2017. The Department's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended*, 70 FR 24533 (May 10, 2005).