

antidumping duty order on hand trucks and certain parts thereof (hand trucks) 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.

FOR FURTHER INFORMATION CONTACT:

Mark Flessner or Robert James, AD/CVD Operations Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6312 or (202) 482-0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 2, 2009, the Department initiated a sunset review of the antidumping duty order on hand trucks from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Tariff Act). *See Initiation of Five-Year ("Sunset") Reviews*, 74 FR 56593 (November 2, 2009).

As a result of its review, the Department determined that revocation of the antidumping duty order on hand trucks from the PRC would likely lead to a continuation or recurrence of dumping and, therefore, notified the Commission of the magnitude of the margins likely to prevail should the order be revoked. *See Hand Trucks and Certain Parts Thereof from the People's Republic of China: Final Results of Expedited Five-year (Sunset) Review of Antidumping Duty Order*, 75 FR 11120 (March 10, 2010).

On March 31, 2010, the Commission determined, pursuant to section 751(c) of the Tariff Act, that revocation of the antidumping duty order on hand trucks from the PRC would likely lead to a continuation or recurrence of material injury to an industry in the United States within the reasonably foreseeable future. *See USITC Publication 4138* (April 2010), and *Hand Trucks and Certain Parts Thereof from the People's Republic of China*, 75 FR 20862 (April 21, 2010).

Scope of the Order

The merchandise subject to this antidumping duty order consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof.

A complete or fully assembled hand truck is a hand-propelled barrow consisting of a vertically disposed frame having a handle or more than one handle at or near the upper section of the vertical frame; at least two wheels at or near the lower section of the vertical frame; and a horizontal projecting edge or edges, or toe plate, perpendicular or angled to the vertical frame, at or near the lower section of the vertical frame. The projecting edge or edges, or toe plate, slides under a load for purposes of lifting and/or moving the load.

That the vertical frame can be converted from a vertical setting to a horizontal setting, then operated in that horizontal setting as a platform, is not a basis for exclusion of the hand truck from the scope of this order. That the vertical frame, handling area, wheels, projecting edges or other parts of the hand truck can be collapsed or folded is not a basis for exclusion of the hand truck from the scope of the order. That other wheels may be connected to the vertical frame, handling area, projecting edges, or other parts of the hand truck, in addition to the two or more wheels located at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the order. Finally, that the hand truck may exhibit physical characteristics in addition to the vertical frame, the handling area, the projecting edges or toe plate, and the two wheels at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the order.

Examples of names commonly used to reference hand trucks are hand truck, convertible hand truck, appliance hand truck, cylinder hand truck, bag truck, dolly, or hand trolley. They are typically imported under heading 8716.80.50.10 of the Harmonized Tariff Schedule of the United States (HTSUS), although they may also be imported under heading 8716.80.50.90. Specific parts of a hand truck, namely the vertical frame, the handling area and the projecting edges or toe plate, or any combination thereof, are typically imported under heading 8716.90.50.60 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope is dispositive.

Excluded from the scope are small two-wheel or four-wheel utility carts specifically designed for carrying loads like personal bags or luggage in which the frame is made from telescoping tubular materials measuring less than 5/8 inch in diameter; hand trucks that use motorized operations either to move the hand truck from one location to the next

or to assist in the lifting of items placed on the hand truck; vertical carriers designed specifically to transport golf bags; and wheels and tires used in the manufacture of hand trucks. The written description remains dispositive.

Continuation of the Order

As a result of these determinations by the Department and the Commission that revocation of the antidumping duty order on hand trucks 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 Tariff Act, the Department hereby orders the continuation of the antidumping order on hand trucks from the PRC. United States 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 Tariff 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 Tariff Act and published pursuant to section 777(i)(1) of the Tariff Act.

Dated: April 22, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-838, A-331-802, A-533-840, A-570-893, A-549-822, A-552-802]

Certain Frozen Warmwater Shrimp From Brazil, Ecuador, India, the People's Republic of China, Thailand, and the Socialist Republic of Vietnam: Notice of Court Decision Not in Harmony With the Final Determinations and Amended Final Determinations of the Antidumping Duty Investigations

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

SUMMARY: On April 14, 2010, the United States Court of International Trade ("CIT") sustained the remand

redetermination issued by the Department of Commerce (“Department”) pursuant to the CIT’s remand order in the final and amended final determinations of the antidumping duty investigations of certain frozen warmwater shrimp from Brazil, Ecuador, India, the People’s Republic of China, Thailand, and the Socialist Republic of Vietnam. *See Ad Hoc Shrimp Trade Action Committee, Versaggi Shrimp Corporation, and Indian Ridge Shrimp Company v. United States*, Slip Op. 10–39 (CIT 2010) (*Ad Hoc IV*). This case arises out of the Department’s final determinations¹ and amended final determinations² in the original investigations. Consistent with the decision of the United States Court of

¹ See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Brazil*, 69 FR 76910 (December 23, 2004) (*Brazil Final Determination*); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From Ecuador*, 69 FR 76913 (December 23, 2004) (*Ecuador Final Determination*); *Notice of Final Determination of Sales at Less Than Fair Value and Negative Final Determination of Critical Circumstances: Certain Frozen and Canned Warmwater Shrimp From India*, 69 FR 76916 (December 23, 2004) (*India Final Determination*); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the People’s Republic of China*, 69 FR 70997 (December 8, 2004) (*China Final Determination*); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from Thailand*, 69 FR 76918 (December 23, 2004) (*Thailand Final Determination*); *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004) (*Vietnam Final Determination*); collectively the *Shrimp AD Final Determinations*.

² See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Brazil*, 70 FR 5143 (February 1, 2005) (*Brazil Amended Final Determination & Order*); *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Ecuador*, 70 FR 5156 (February 1, 2005) (*Ecuador Amended Final Determination & Order*); *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India*, 70 FR 5147 (February 1, 2005) (*India Amended Final Determination & Order*); *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the People’s Republic of China*, 70 FR 5149 (February 1, 2005) (*China Amended Final Determination & Order*); *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from Thailand*, 70 FR 5145 (February 1, 2005) (*Thailand Amended Final Determination & Order*); *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam*, 70 FR 5152 (February 1, 2005) (*Vietnam Amended Final Determination & Order*); collectively, the *Shrimp AD Amended Finals and Orders*.

Appeals for the Federal Circuit (“Federal Circuit”) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department is notifying the public that *Ad Hoc IV* is not in harmony with the *Shrimp AD Final Determinations* and *Shrimp AD Amended Finals and Orders*.

DATES: *Effective Date:* April 28, 2010.

FOR FURTHER INFORMATION CONTACT:

Matthew Renkey, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–2312.

SUPPLEMENTARY INFORMATION:

On July 1, 2009, the CIT remanded to the Department its decision to exclude dusted shrimp from the scope of the investigations, stating that the Department’s decision was unsupported by adequate reasoning and therefore contrary to law. *See Ad Hoc Shrimp Trade Action Committee, Versaggi Shrimp Corporation, and Indian Ridge Shrimp Company v. United States*, Slip Op. 09–69 (CIT 2009) (*Remand Opinion and Order*). Pursuant to the CIT’s remand instructions, the Department re-examined record evidence and considered whether dusted shrimp should be within the scope of the investigations.

The Department released the *Draft Results of Redetermination Pursuant to Court Remand (Draft Redetermination)* to the interested parties for comment on September 22, 2009. After receiving and considering the comments from interested parties, on October 29, 2009, the Department filed its final results of redetermination pursuant to the *Remand Opinion and Order* with the CIT. *See Final Results of Redetermination Pursuant to Court Remand*, Court No. 05–00192, (October 29, 2009) (*Final Redetermination*), found at <http://ia.ita.doc.gov/remands/09-69.pdf>. In the remand redetermination, the Department determined that dusted shrimp should properly be included within the scope of the *Shrimp AD Final Determinations* and *Shrimp AD Amended Finals and Orders*.³ On April 14, 2010, the CIT affirmed all aspects of the Department’s remand redetermination.

³ As is often the case, the amended final determinations and antidumping duty orders were written and published as one document. Thus, although the amended final determinations and orders may be referenced together as the *Shrimp AD Amended Finals and Orders*, only the scope of the *Shrimp AD Final Determinations* and subsequent amended final determinations are at issue in this remand determination.

In its decision in *Timken*, 893 F.2d at 341, the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (“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. As a result of the Department’s finding that dusted shrimp should properly be included within the scope of the *Shrimp AD Final Determinations* and *Shrimp AD Amended Finals and Orders*, the CIT’s decision in this case on April 14, 2010, constitutes a final decision of that court that is not in harmony with the Department’s final and amended final determinations of the original investigations. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT’s ruling is not appealed or, if appealed, upheld by the Federal Circuit, the Department will instruct U.S. Customs and Border Protection to collect cash deposits for entries of dusted shrimp.

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

Dated: April 22, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–888]

Floor-Standing, Metal Top Ironing Tables and Certain Parts Thereof From the People’s Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

DATES: *Effective Date:* April 28, 2010.

FOR FURTHER INFORMATION CONTACT:

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