

Protection port of entry, FTZ 14's existing Sites 1–3 would be categorized as magnet sites, Site 1 would be expanded to include additional acreage and the grantee proposes an initial usage-driven site (Site 4);

Whereas, notice inviting public comment was given in the **Federal Register** (75 FR 27982–27983, 5/19/10) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to reorganize and expand FTZ 14 under the alternative site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, to a five-year ASF sunset provision for magnet sites that would terminate authority for Sites 2 and 3 if not activated by December 31, 2015, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Site 4 if no foreign-status merchandise is admitted for a *bona fide* customs purpose by December 31, 2013.

Signed at Washington, DC this 20th day of December, 2010.

**Ronald K. Lorentzen,**

Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

**Andrew McGilvray,**

Executive Secretary.

[FR Doc. 2011–61 Filed 1–5–11; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–934]

#### 1–Hydroxyethylidene-1, 1–Diphosphonic Acid From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Amended Antidumping Duty Order in Accordance With Final Court Decision and Correction to Notice of Decision of the Court of International Trade Not in Harmony

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

**DATES:** *Effective Date:* January 6, 2011.

**SUMMARY:** On September 13, 2010, the United States Court of International Trade (“CIT”) sustained the remand determination made by the Department of Commerce (the “Department”) pursuant to the CIT's remand of the final determination in the antidumping duty investigation on 1-hydroxyethylidene-1, 1-diphosphonic acid (“HEDP”) from the People's Republic of China (“PRC”) and ordered the case dismissed.<sup>1</sup> This case arises out of the Department's final determination in the antidumping investigation on HEDP from the PRC.<sup>2</sup> As there is now a final and conclusive court decision in this action with respect to Changzhou Wujin Fine Chemical Factory Co., Ltd. (“Wujin Fine”), the Department is amending its *Final Determination and Antidumping Duty Order*.

**FOR FURTHER INFORMATION CONTACT:** Shawn Higgins, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–0679.

**SUPPLEMENTARY INFORMATION:** On March 11, 2009, the Department published its *Final Determination* in which it determined that HEDP from the PRC is being, or is likely to be, sold in the United States at less than fair value as provided in section 735 of the Tariff Act of 1930, as amended (the “Act”).<sup>3</sup>

Separate rate respondent companies Wujin Fine and Jiangsu Jianghai Chemical Group Co., Ltd. (“Jiangsu Jianghai”) timely challenged certain aspects of the *Final Determination* to the CIT. Among the issues raised before the CIT was whether the Department properly corroborated the adverse facts available (“AFA”) rate upon which it relied in calculating the separate rate.

On February 8, 2010, the CIT granted the United States' motion for a voluntary remand to reconsider the separate rate assigned to Wujin Fine and Jiangsu Jianghai after examining whether the Department corroborated the AFA rate upon which it relied in

calculating the separate rate.<sup>4</sup> In a remand determination filed on May 3, 2010, the Department determined that the AFA rate upon which the Department relied in calculating the separate rate was not corroborated in the *Final Determination*.<sup>5</sup> Consequently, the Department calculated a revised separate rate of 15.47 percent for Wujin Fine and Jiangsu Jianghai relying on a second AFA rate that did not require corroboration.

On September 13, 2010, the CIT sustained the Department's remand redetermination, and subsequently dismissed the case.<sup>6</sup> On November 12, 2010, Jiangsu Jianghai filed an appeal with the United States Court of Appeals for the Federal Circuit (“CAFC”) of the CIT's decision.<sup>7</sup> Wujin Fine, however, elected not to appeal the CIT's decision.

Consistent with the decision of the CAFC in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the Department published in the **Federal Register** a notice of a court decision that is not “in harmony” with the Department's final determination.<sup>8</sup> The Timken Notice incorrectly stated that, “In the event the CIT's decision is affirmed on appeal, the Department will publish an amended final determination revising the separate rate assigned to Wujin Fine and Jiangsu Jianghai and issue revised cash deposit instructions to U.S. Customs and Border Protection.”<sup>9</sup> As noted above, only Jiangsu Jianghai appealed the CIT's decision with the CAFC. Because Wujin Fine did not appeal the CIT's decision and the period to appeal that decision has expired, the CIT decision is final and conclusive for Wujin Fine. Accordingly, the Department is amending its *Final Determination and Antidumping Duty Order*.

<sup>4</sup> See *Changzhou Wujin Fine Chemical Factory Co., Ltd. v. United States*, No. 09–00216 (Ct. Int'l Trade Feb. 8, 2010).

<sup>5</sup> See Final Results of Redetermination Pursuant to Court Order: *Changzhou Wujin Fine Chemical Factory Co., Ltd. v. United States* (May 3, 2010) at 1–9.

<sup>6</sup> See *Changzhou Wujin Fine Chemical Factory Co., Ltd. v. United States*, No. 09–00216, Slip Op. 10–103 (Ct. Int'l Trade Sept. 13, 2010).

<sup>7</sup> In the event the CIT's decision is affirmed on appeal, the Department will publish an amended final determination revising the separate rate assigned to Jiangsu Jianghai and issue revised cash deposit instructions to U.S. Customs and Border Protection (“CBP”).

<sup>8</sup> See 1–Hydroxyethylidene-1, 1–Diphosphonic Acid From the People's Republic of China: Notice of Decision of the Court of International Trade Not in Harmony, 75 FR 78967 (December 17, 2010) (“Timken Notice”).

<sup>9</sup> *Id.* at 78968.

<sup>1</sup> See *Changzhou Wujin Fine Chemical Factory Co., Ltd. v. United States*, No. 09–00216, Slip Op. 10–85 (Ct. Int'l Trade Aug. 5, 2010); *Changzhou Wujin Fine Chemical Factory Co., Ltd. v. United States*, No. 09–00216, Slip Op. 10–103 (Ct. Int'l Trade Sept. 13, 2010).

<sup>2</sup> See 1–Hydroxyethylidene-1, 1–Diphosphonic Acid from the People's Republic of China: *Final Determination of Sales at Less Than Fair Value*, 74 FR 10545 (March 11, 2009) (“*Final Determination*”); 1–Hydroxyethylidene-1, 1–Diphosphonic Acid from India and the People's Republic of China: *Antidumping Duty Orders*, 74 FR 19197 (April 28, 2009) (“*Antidumping Duty Order*”).

<sup>3</sup> See *Final Determination*, 74 FR at 10545.

**Amendment to Final Determination and Antidumping Order**

Because there is now a final and conclusive court decision with respect

to Wujin Fine in this proceeding, the revised dumping margin and cash deposit rate for Wujin Fine in the *Final Determination* is as follows:

HEDP from the PRC			Amended final margin (Percent)
Exporter	Producer	Original final margin (Percent)	
Changzhou Wujin Fine Chemical Factory Co., Ltd.	Changzhou Wujin Fine Chemical Factory Co., Ltd.	36.21	15.47

In accordance with section 735(c)(1)(B) of the Act, the Department will instruct CBP to collect a cash deposit of 15.47 percent for entries of subject merchandise produced and exported by Wujin Fine, effective September 23, 2010 in accordance with the *Timken Notice*.

This notice is issued and published in accordance with sections 735(d), 736(a), 516A(c)(1), and 777(i)(1) of the Act.

Dated: December 30, 2010.

**Christian Marsh,**

*Acting Deputy Assistant Secretary for Import Administration.*

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**DEPARTMENT OF COMMERCE****International Trade Administration**

[A-570-504]

**Petroleum Wax Candles From the People's Republic of China: Continuation of Antidumping Duty Order**

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

**DATES:** *Effective Date:* January 6, 2011.

**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 petroleum wax candles 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:** Tim Lord, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-7425.

**SUPPLEMENTARY INFORMATION:** On July 9, 2010, the Department published the notice of initiation of the sunset review of the antidumping duty order on petroleum wax candles from the PRC pursuant to section 751(c)(2) of the Tariff Act of 1930, as amended ("the Act"). See *Initiation of Five-Year ("Sunset") Review*, 75 FR 39494 (July 9, 2010).

As a result of its review, the Department determined that revocation of the antidumping duty order on petroleum wax candles 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 *Petroleum Wax Candles From the People's Republic of China: Final Results of Expedited Third Sunset Review of Antidumping Duty Order*, 75 FR 70713 (November 18, 2010).

On December 17, 2010, the ITC determined, pursuant to section 751(c)(1) of the Act, that revocation of the antidumping duty order on petroleum wax candles 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 future. See *Petroleum Wax Candles From China Determination*, 75 FR 80843 (December 23, 2010), and USITC Publication 4207 (December 2010), *Petroleum Wax Candles From China: Investigation No. 731-TA-282 (Third Review)*.

**Scope of the Order**

The products covered by the order are certain scented or unscented petroleum wax candles made from petroleum wax and having fiber or paper-cored wicks. They are sold in the following shapes: Tapers, spirals and straight-sided dinner candles; rounds, columns, pillars, votives; and various wax-filled containers. The products were originally classifiable under the Tariff Schedules of the United States item 755.25, Candles and Tapers. The products are currently classifiable under the Harmonized Tariff Schedule ("HTSUS")

item number 3406.00.00. The HTSUS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

**Continuation of the Order**

As a result of these determinations by the Department and the ITC that revocation of the antidumping duty order 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 petroleum wax candles 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: December 29, 2010.

**Edward C. Yang,**

*Acting Deputy Assistant Secretary for Import Administration.*

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