

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## AMERICAN BATTLE MONUMENTS COMMISSION

### SES Performance Review Board

**AGENCY:** American Battle Monuments Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the appointment of members of the ABMC Performance Review Board.

**FOR FURTHER INFORMATION CONTACT:** Theodore Gloukhoff, Director of Personnel and Administration, American Battle Monuments Commission, Courthouse Plaza II, Suite 500, 2300 Clarendon Boulevard, Arlington, Virginia, 22201-3367, Telephone Number: (703) 696-6908.

### American Battle Monuments Commission SES Performance Review Board

Dr. Susan L. Duncan, Director, Human Resources, US Army Corps of Engineers;  
Mr. Joseph Tyler, Chief, Program Management Division, US Army Corps of Engineers;  
Mr. Wesley C. Miller, Director, Resource Management, US Army Corps of Engineers.

Theodore Gloukhoff,  
Director, Personnel and Administration.  
[FR Doc. E7-2853 Filed 2-16-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-570-803)

### Heavy Forged Hand Tools from the People's Republic of China: Notice of Court Decision Not In Harmony With Final Results of Administrative Review

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

**SUMMARY:** On January 9, 2007, the United States Court of International Trade ("CIT") sustained the final remand redetermination made by the Department of Commerce ("the Department") pursuant to the CIT's remand of the final results of the eleventh administrative review of the antidumping duty orders on heavy forged hand tools from the People's Republic of China. See *Shandong Huarong Machinery Co. v. United States and Ames True Temper*, Slip Op. 2007-3 (CIT, 2007) ("Shandong Huarong II"). This case arises out of the Department's final results in the administrative review covering the period February 1, 2001, through January 31, 2002. See *Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review of the Order on Bars and Wedges*, 68 FR 53347 (September 10, 2003) ("Final 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"), the Department is notifying the public that *Shandong Huarong II* is not in harmony with the Department's *Final Results*.

**EFFECTIVE DATE:** February 20, 2007

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin or Mark Manning; AD/CVD Operations, Office 4, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., N.W., Washington, DC 20230; telephone: (202) 482-3936 or (202) 482-5253, respectively.

**SUPPLEMENTARY INFORMATION:** In *Shandong Huarong Machinery Co. v. United States*, No. 03-00676 (CIT, 2005) ("Shandong Huarong I"), the CIT remanded the underlying final results to the Department to: (1) reopen the record in order to afford Shandong Huarong Machinery Co. ("Huarong") a second opportunity to provide a scrap offset in which its scrap sales are allocated to the production of bars/wedges; (2) explain why its methodology of including distances greater than the distance from the nearest port to the factory, when calculating the weighted-average freight distance for multiple suppliers of one particular factor of production ("FOP"), satisfies the reasoning in *Sigma Corp. v. United States*, 117 F.3d 1401 (Fed. Cir.

1997) ("Sigma") and *Lasko Metal Products Inc. v. United States*, 43 F.3d 1442, 1446 (Fed. Cir. 1994) ("Lasko"), or adjust its methodology; (3) explain its decision to disregard the effect of subsidies from the United States and other countries, in light of *Fuyao Glass Indus. Group Co. v. United States*, Slip Op. 2003-169 (CIT, 2003) ("Fuyao I") and *Fuyao Glass Indus. Group Co. v. United States*, Slip Op. 2005-06 (CIT, 2005) ("Fuyao II"); (4) supply a more complete explanation to support its determination that labor costs and other factor inputs for making steel pallets are included in the cost of brokerage and handling; and (5) provide a more complete explanation to support its decision that the cost of movement from the truck to the container yard, demurrage and storage charges, and other port charges are included in the brokerage and handling cost.

The Department released the Draft Results of Redetermination Pursuant to Court Remand ("Draft Redetermination") to Huarong and Ames True Temper<sup>1</sup> ("Ames") for comment on October 7, 2005. The Department received timely filed comments from both Huarong and Ames on October 14, 2005, and rebuttal comments from Huarong on October 19, 2005. On October 16, 2006, the Department issued to the CIT its final results of redetermination pursuant to remand on November 30, 2005. In the remand redetermination the Department did the following: (1) reopened the record, and applied a steel scrap offset in its calculation of normal value to adjust for sales of steel scrap that was generated from the production of the subject bars and wedges; (2) applied the *Sigma* cap in its analysis and capped the distance for each supplier before calculating the weighted-average inland freight distance; (3) explained its decision in the *Final Results* to not exclude U.S. export data from the Indian import statistics used as the surrogate value because it would have resulted in an insignificant adjustment to normal value; (4) revised its FOP methodology to include labor costs and other factor inputs for making steel pallets in normal value; and (5) explained its reasoning for finding that movement expenses incurred at the port

<sup>1</sup> Ames True Temper is a domestic interested party to the proceeding, and was the petitioner in the underlying review.