accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: September 8, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. Partial Rescission of Administrative Review
V. Rate For The Non-Selected Company
VI. Discussion of the Methodology
VII. Currency Conversion
VIII. Recommendation

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2024–2025

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that producers/exporters subject to this review made sales of subject merchandise at less than normal value during the period of review (POR), December 1, 2024, through November 30, 2025. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable September 10, 2026.

FOR FURTHER INFORMATION CONTACT: Eric Chen, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2860.

SUPPLEMENTARY INFORMATION:

Background

On February 20, 2026, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the antidumping duty order on certain cased pencils (cased pencils) from the People's Republic of China (China).[1] On September 2, 2026, Commerce extended the deadline for the preliminary results by two days.[2] The deadline for these preliminary results is September 4, 2026.

Scope of the Order [3]

The merchandise covered by the scope of this *Order* is cased pencils from China. *See* Appendix I for the full description of the scope.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Because China is a non-market economy (NME) country within the meaning of section 771(18) of the Act, we applied our NME methodology in accordance with section 773(c) of the Act.

Separate Rate Determinations

In a proceeding involving an NME country, Commerce maintains a rebuttable presumption that all companies within the country are subject to government control and, therefore, should be assessed a single weighted-average dumping margin.[4] Commerce notified parties in the *Initiation Notice* that ''{t}he deadline and requirement for submitting a Separate Rate Application {(SRA)} applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.'' [5] Also in the *Initiation Notice,* Commerce notified parties of the application process by which exporters may obtain separate rate status in this administrative review.[6] This process requires exporters to submit an SRA and to demonstrate the absence of both *de jure* and *de facto* government control over their export activities.[7] In the *Initiation Notice,* Commerce required that all firms listed in the notice ''that wish to qualify for separate rates status in the administrative reviews involving NME countries must complete, as appropriate, either a {SRA} or {separate rate certification (SRC)}. . .'' [8]

Commerce's policy is to assign all exporters of merchandise under consideration that are in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.[9] Commerce analyzes whether each entity exporting the merchandise under consideration is sufficiently independent under a test established in *Sparklers from China,*[10] further developed in *Silicon Carbide from China,*[11] and now codified in 19 CFR 351.108(b). In accordance with this separate rate test, Commerce will assign a separate rate in an NME proceeding if a respondent can demonstrate the absence of both *de jure* and *de facto* government control over its export activities. If, however, Commerce determines that a company is wholly foreign owned, then a separate rate analysis is not necessary to determine whether that company is independent from government control and eligible for a separate rate.

In order to demonstrate eligibility for separate rate status, Commerce normally requires an exporter for which a review was requested, and which was assigned a separate rate in a previous completed segment of the proceeding and which remains active for that exporter, to submit an SRC stating that it continues to meet the criteria for obtaining a separate rate.[12] For an exporter that was not assigned a separate rate in a previously completed segment of the proceeding and which remains active for that exporter, to demonstrate eligibility, Commerce requires an SRA.[13] A company that submits an SRA or SRC and which is subsequently selected for examination must respond to all parts of Commerce's questionnaire

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[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 91 FR 8186 (February 20, 2026).

[2] *See*Memorandum, ''Extension of Deadline for Preliminary Results of 2024–2025 Antidumping Duty Administrative Review,'' dated September 2, 2026.

[3] *See Certain Cased Pencils from the People's Republic of China: Continuation of Antidumping Duty Order,* 88 FR 15673 (March 14, 2023); *see also Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China,* 59 FR 66909 (December 28, 1994) (collectively, *Order*).

[4] *See, e.g., Polyethylene Terephthalate Film, Sheet, and Strip from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 73 FR 55039, 55040 (September 24, 2008).

[5] *See Initiation Notice,* 91 FR at 8188.

[6] *Id.*

[7] For a description of our practice, *see* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries,'' (April 5, 2005), available on Commerce's website at *https://www.trade.gov/enforcement-and-compliance-policy-bulletins-0.*

[8] *See Initiation Notice,* 91 FR at 8187.

[9] *See Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588, 20589 (May 2, 1994) (*Sparklers from China*).

[10] *Id.*

[11] *See Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide from China*).

[12] *See Initiation Notice,* 91 FR at 8187.

[13] *Id.*

in order to be eligible for a separate rate.[14]

In the *Initiation Notice,* Commerce stated that submission of SRAs and SRCs were due 14 days after publication of the notice, *i.e.,* March 6, 2026.[15] Moreover, Commerce specifically noted that ''{t}he deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.'' [16] The four companies listed in Appendix II to this notice failed to submit an SRA. As such, consistent with Commerce's practice for when a party fails to submit an SRA or SRC, we preliminarily find that the four companies listed in Appendix II are not eligible for a separate rate, and, therefore, are part of the China-wide entity.[17] Commerce's practice with respect to an exporter that fails to submit an SRA or SRC has been upheld by the U.S. Court of Appeals for the Federal Circuit.[18] Commerce further notes that, because no company submitted a SRA or SRC, there are no remaining companies subject to review, including the China-wide entity.[19] As a result, Commerce did not need to limit examination or select respondents. Furthermore, because no company or the China-wide entity were eligible for examination in this review, Commerce did not issue a questionnaire. Because there are no respondents selected for individual examination, there is no decision memorandum accompanying this notice.

The China-Wide Entity

Commerce's policy regarding conditional review of the China-wide entity applies to this administrative review.[20] Under this policy, the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity and the entity is not under review, the entity's rate (*i.e.,* 114.90 percent) [21] is not subject to change.

Preliminary Results of Review

Because the four companies listed in Appendix II failed to timely file either an SRA or SRC in this review, we preliminarily find that these companies are ineligible for a separate rate and, as such, are part of the China-wide entity.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in preliminary results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of preliminary results in the **Federal Register**, in accordance with 19 CFR 351.224(b). However, because we preliminarily find the companies listed in Appendix II to this notice are a part of the China-wide entity, and subject to the China-wide entity rate, there are no calculations to disclose.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. Pursuant to 19 CFR 351.309(c)(1)(ii), we have modified the deadline for interested parties to submit case briefs to Commerce to no later than 21 days after the date of the publication of this notice.[22] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[23] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[24]

As provided under 19 CFR 351.309(c)(2)(iii) and (d)(2)(iii), we request that interested parties provide at the beginning of their briefs a public executive summary for each issue raised in their briefs.[25] Further, we request that interested parties limit their public, executive summary of each issue to no more than 450 words, not including citations. We intend to use the public, executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final results in this administrative review. We request that interested parties include footnotes for relevant citations in the public, executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[26]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce will inform parties of the scheduled date for the hearing.[27]

Assessment Rates

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

For the final results, if we continue to treat the companies identified in Appendix II as part of the China-wide

[14] *Id.* at 8188

[15] *Id.*

[16] *Id.*

[17] *See e.g., Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2012–2013,* 80 FR 40998 (July 14, 2015) (treating a company as part of the China-wide entity for failure to submit and SRA, and explaining that ''{t}he failure to provide a separate rate certification is not a ministerial error, but rather, a failure to comply with {Commerce}'s well established separate rate methodology.''); *see also, e.g., Hyrdofluorocarbon Blends from the People's Republic of China: Final Results of the Antidumping Duty Administrative Review; 2019–2020,* 86 FR 49516, 49517 (September 3, 2021) (finding that PureMann, Inc. (PureMann), the sole company subject to the review, did not file and SRA and did not demonstrate its eligibility for separate rate status and that, therefore, PureMann was part of the China-wide entity).

[18] *See Repwire LLC* v. *United States,* 628 F.Supp.3d 1288 (CIT 2023), *aff'd* 2025 WL 2399398 (Fed. Cir. August 19, 2025) (finding that ''Commerce's actions were reasonable and supported by substantial evidence'' in a case in which Commerce retracted its issuance of the initial questionnaire and found that Jin Tiong Electrical Materials Manufacturer PTE Ltd. was part of the China-wide entity due to its failure to submit a timely SRA).

[19] *See Initiation Notice,* 91 FR at 8190.

[20] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[21] *See Order; see also Certain Cased Pencils From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2021–2022,* 88 FR 78721 (November 16, 2023), unchanged from *Certain Cased Pencils from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2012–2013,* 80 FR 26897 (May 11, 2015).

[22] *See* 19 CFR 351.309.

[23] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Procedures*).

[24] *See* 19 CFR 351.309(c)(2) and (d)(2).

[25] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[26] *See APO and Service Procedures.*

[27] *See* 19 CFR 351.310(d).

entity, we will instruct CBP to apply an *ad valorem* assessment rate of 114.90 percent to all entries of subject merchandise during the POR which were produced and/or exported by those companies.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

If a timely summons is filed at the CIT, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) for previously investigated or reviewed China and non-China exporters that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (2) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the China-wide entity of 114.90 percent; and (3) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in case and rebuttal briefs, within 120 days of publication of these preliminary results of review in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these preliminary results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: September 4, 2026.

Christopher Abbott,

Deputy Assistant Secretary for Policy and Negotiations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Order

The products 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 this *Order* are currently classified under subheading 9609.10.00 of the Harmonized Tariff Schedules of the United States (HTSUS). Specifically excluded from the scope of this *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 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.

Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the *Order* is dispositive.

Appendix II

Companies Preliminarily Determined To Be Part of the China-Wide Entity

1. Shanghai Yover Stationery Co., Ltd.
2. Yiwu Huijie Make Pens Co., Ltd.
3. Zhejiang Pengsheng Stationery Co., Ltd.
4. Zhejiang Sinopencil Co., Ltd.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XF889]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Office of Naval Research's Arctic Research Activities in the Beaufort and Chukchi Seas (Year 9)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the Office of Naval Research (ONR) for authorization to take marine mammals incidental to Arctic Research Activities (ARA) in the Beaufort Sea and eastern Chukchi Sea.

DATES: This authorization is effective from September 14, 2026, through September 13, 2027.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-military-readiness-activities.* In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Alyssa Clevenstine, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

MMPA Background and Determinations

The MMPA prohibits the "take" of marine mammals, with certain exceptions. Among the exceptions is section 101(a)(5)(D) of the MMPA (16 U.S.C. 1361 *et seq.*) which directs the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking by harassment of small numbers of marine mammals by U.S. citizens who engage