

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 this notice in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.213.

Dated: November 21, 2012.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 2012-29040 Filed 11-30-12; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

#### **Polyester Staple Fiber From Taiwan: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Amended Final Results of Antidumping Duty Order Administrative Review**

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

**SUMMARY:** On November 14, 2012,<sup>1</sup> the United States Court of International Trade (“CIT”) sustained the Department of Commerce’s (“the Department”) results of redetermination<sup>2</sup> pursuant to the CIT’s *FENC Remand Order*.<sup>3</sup>

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,<sup>4</sup> as clarified by *Diamond Sawblades*,<sup>5</sup> the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s *Final Results*<sup>6</sup> and is amending the final results of the administrative review of the antidumping duty order on polyester staple fiber from Taiwan covering the period of review (“POR”) May 1, 2009, through April 30, 2010, with respect to the margin assigned to Far Eastern New Century Corporation (“FENC”).

<sup>1</sup> See *Far Eastern New Century Corporation v. United States*, Slip-Op. 12-136 (CIT 2012).

<sup>2</sup> See *Results of Redetermination Pursuant to Remand Order*, CIT Court No. 11-00415, Slip Op. 12-110 (August 29, 2012) (*Remand Results*).

<sup>3</sup> See *Far Eastern New Century Corporation v. United States*, Slip-Op. 12-110 (CIT 2012) (*FENC Remand Order*).

<sup>4</sup> See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

<sup>5</sup> See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

<sup>6</sup> See *Certain Polyester Staple Fiber From Taiwan: Final Results of Antidumping Duty Administrative Review*, 76 FR 57955 (September 19, 2011).

**DATES:** *Effective Date:* November 26, 2012.<sup>7</sup>

**FOR FURTHER INFORMATION CONTACT:** Michael A. Romani or Mino Hatten, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0198 or (202) 482-1690.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Subsequent to completion of its administrative review under the antidumping duty order on polyester staple fiber from Taiwan, FENC challenged certain aspects of the Department’s *Final Results* at the CIT. On August 29, 2012, the CIT remanded to the Department its calculation of FENC’s dumping margin to correct certain ministerial errors.<sup>8</sup> The Department filed its *Remand Results* on October 15, 2012. On November 14, 2012, the CIT upheld the Department’s *Remand Results* wherein we recalculated FENC’s dumping margin employing the results of the *Final Results*’ comparison market calculations rather than those calculated for the *Preliminary Results*.<sup>9</sup>

##### **Timken Notice**

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516(e) of the Tariff Act of 1930, as amended (“the 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.<sup>10</sup> The CIT’s November 14, 2012, judgment sustaining the *Remand Results* constitutes a final decision of that court that is not in harmony with the *Final Results*. 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

<sup>7</sup> Because the deadline, November 24, 2012, falls on a Saturday, the deadline is postponed until 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).

<sup>8</sup> See *FENC Remand Order*.

<sup>9</sup> See *Certain Polyester Staple Fiber From Taiwan: Preliminary Results of Antidumping Duty Administrative Review*, 76 FR 22366 (April 21, 2011).

<sup>10</sup> See *Timken*, 893 F.2d at 341.

decision. The cash deposit rate will remain the company-specific rate established for the subsequent and most recent period during which the respondent was reviewed.

#### **Amended Final Results**

Because there is now a final court decision with respect to FENC, we are amending the *Final Results* with respect to the margin for FENC. The revised dumping margin is as follows:

Producer and exporter	Weighted-average margin (percent)
Far Eastern New Century Corporation .....	0.75

If the CIT’s ruling is not appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise produced and exported by FENC during the POR at 0.75 percent.

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: November 23, 2012.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 2012-29041 Filed 11-30-12; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482-4735.

#### **Background**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (“the Act”), may request, in accordance with 19 CFR

351.213, that the Department of Commerce (“the Department”) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

**Respondent Selection**

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (“APO”) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be “collapsed” (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently

completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

**Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after December 2012, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its “Opportunity to Request Administrative Review” notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

*Opportunity to Request a Review:* Not later than the last day of December 2012,<sup>1</sup> interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in December for the following periods:

	Period of review
<b>Antidumping Duty Proceedings</b>	
ARGENTINA: Honey .....	
A-357-812 .....	12/1/11-8/1/12
BRAZIL: Certain Carbon Steel Butt-Weld Pipe Fittings .....	
A-351-602 .....	12/1/11-11/30/12
CHILE: Certain Preserved Mushrooms .....	
A-337-804 .....	12/1/11-11/30/12
INDIA: Carbazole Violet Pigment 23 .....	
A-533-838 .....	12/1/11-11/30/12
INDIA:	
Certain Hot-Rolled Carbon Steel Flat Products .....	
A-533-820 .....	12/1/11-11/30/12
Commodity Matchbooks .....	
A-533-848 .....	12/1/11-11/30/12
Stainless Steel Wire Rod .....	
A-533-808 .....	12/1/11-11/30/12
INDONESIA: Certain Hot-Rolled Carbon Steel Flat Products .....	
A-560-812 .....	12/1/11-11/30/12

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
JAPAN:	
P.C. Steel Wire Strand .....	
A-588-068 .....	12/1/11-11/30/12
Welded Large Diameter Line Pipe .....	
A-588-857 .....	12/1/11-11/30/12
REPUBLIC OF KOREA: Welded ASTM A-312 Stainless Steel Pipe .....	
A-580-810 .....	12/1/11-11/30/12
SOCIALIST REPUBLIC OF VIETNAM: Uncovered Innerspring Units .....	
A-552-803 .....	12/1/11-11/30/12
SOUTH AFRICA: Uncovered Innerspring Units .....	
A-791-821 .....	12/1/11-11/30/12
TAIWAN:	
Carbon Steel Butt-Weld Pipe Fittings .....	
A-583-605 .....	12/1/11-11/30/12
Welded ASTM A-312 Stainless Steel Pipe .....	
A-583-815 .....	12/1/11-11/30/12
THE PEOPLE'S REPUBLIC OF CHINA:	
Carbazole Violet Pigments 23 .....	
A-570-892 .....	12/1/11-11/30/12
Cased Pencils .....	
A-570-827 .....	12/1/11-11/30/12
Hand Trucks and Parts Thereof .....	
A-570-891 .....	12/1/11-11/30/12
Honey .....	
A-570-863 .....	12/1/11-11/30/12
Malleable Cast Iron Pipe Fittings .....	
A-570-881 .....	12/1/11-11/30/12
Multilayered Wood Flooring .....	
A-570-970 .....	12/1/11-11/30/12
Porcelain-On-Steel Cooking Ware .....	
A-570-506 .....	12/1/11-11/30/12
Silicomanganese .....	
A-570-828 .....	12/1/11-11/30/12
<b>Countervailing Duty Proceedings</b>	
ARGENTINA: Honey .....	
C-357-813 .....	12/1/11-8/1/12
INDIA: Carbazole Violet Pigment 23 .....	
C-533-839 .....	1/1/11-12/31/11
INDIA:	
Certain Hot-Rolled Carbon Steel Flat Products .....	
C-533-821 .....	1/1/12-12/31/12
Commodity Matchbooks .....	
C-533-849 .....	1/1/11-12/31/11
INDONESIA: Certain Hot-Rolled Carbon Steel Flat Products .....	
C-560-813 .....	1/1/12-12/31/12
THAILAND: Certain Hot-Rolled Carbon Steel Flat Products .....	
C-549-818 .....	1/1/11-12/31/11
THE PEOPLE'S REPUBLIC OF CHINA: Multilayered Wood Flooring .....	
C-570-971 .....	4/6/11-12/31/11

### Suspension Agreements

None.

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or

exporters.<sup>2</sup> If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis,

<sup>2</sup> If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were

reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration Web site at <http://ia.ita.doc.gov>.

All requests must be filed electronically in Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS") on the IA ACCESS Web site at <http://iaaccess.trade.gov>. See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of December 2012. If the Department does not receive, by the last day of December 2012, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: November 14, 2012.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2012-29126 Filed 11-30-12; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Renewal of Department of Defense Federal Advisory Committees

**AGENCY:** DoD.

**ACTION:** Renewal of United States Military Academy Board of Visitors.

**SUMMARY:** Under the provisions of 10 U.S.C. 2166(e), the Federal Advisory Committee Act of 1972 (5 U.S.C. Appendix), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b), and 41 CFR 102-3.50(a), the Department of Defense gives notice that it is renewing the charter for the United States Military Academy Board of Visitors (hereinafter referred to as "the Board").

The Board shall provide independent advice and recommendations to the President of the United States on matters relating to the United States Military Academy (hereinafter referred to as the "Academy"), including morale and discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

The Board shall report to the President of the United States. The Secretary of the Army, in accordance with DoD policies/procedures may act upon the Board's advice and recommendations. The Board shall be constituted annually of 15 members. Under the provisions of 10 U.S.C. 4355, the Board members shall be comprised of the following individuals: The Chairperson of the Senate Committee on Armed Services, or designee; three other members of the Senate designated by the Vice President or President pro tempore of the Senate, two of whom are members of the Senate Committee on Appropriations; the Chairperson of the House Committee on Armed Services, or designee; four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the House Committee on Appropriations; and six persons designated by the President. Board members designated by the President shall serve for three years except that any member whose term of office has

expired shall continue to serve until a successor is appointed. In addition, the President shall designate two persons each year to succeed the members whose terms expire that year. If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member. The Board members shall select the Board Chairperson from the total membership. Board members who are full-time or permanent part-time Federal officers and employees shall be appointed as regular government employees or ex officios as appropriate. Board members designated by the President, who are not full-time or permanent part-time federal officers or employees, shall be appointed to serve as special government employees under the authority of 5 U.S.C. 3109, and these appointments shall be renewed on an annual basis. Board members shall, with the exception of travel and per diem for official travel, serve without compensation.

The Board, pursuant to 10 U.S.C. 4355(g), may, upon approval by the Secretary of the Army, call in advisers for consultation, and these advisers shall, with the exception of travel and per diem for official travel, serve without compensation.

The Department, when necessary and consistent with the Board's mission and DoD policies/procedures, may establish subcommittees, task forces, or working groups to support the Board. Establishment of Subcommittees will be based upon written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Board's sponsor.

Such Subcommittees or working groups shall not work independently of the chartered Board, and shall report all of their recommendations and advice solely to the Board for full deliberation and discussion. Subcommittees have no authority to make decisions and recommendations, verbally or in writing, on behalf of the chartered Board; nor can any Subcommittee or its members update or report directly, verbally or in writing, to the DoD or any Federal officers or employees.

All Subcommittee members shall be appointed by the Secretary of Defense according to governing DoD policies and procedures even if the member in question is already a Board member. Such individuals shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. 3109, and shall serve as special government employees. Subcommittee members, with the approval of the Secretary of Defense,