

after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 4, 2013, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482-2813.

Dated: February 26, 2013.

**Yvette Springer,**  
Committee Liaison Officer.

[FR Doc. 2013-04937 Filed 3-1-13; 8:45 am]

**BILLING CODE 3510-JT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-932]

#### **Certain Steel Threaded Rod From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review**

**SUMMARY:** On February 7, 2013, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("Department") results of redetermination, which granted a separate rate to Gem-Year Industrial Co., Ltd. ("Gem-Year"), in the 2008-2010 administrative review of the antidumping duty order on certain steel threaded rod ("steel threaded rod") from the People's Republic of China ("PRC"),<sup>1</sup> pursuant to the CIT's remand order in *Hubbell Power Systems, Inc. v. United States*, Court No. 11-00474, Slip Op. 12-123 (CIT 2012) ("*Hubbell*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken*,<sup>2</sup> as

clarified by *Diamond Sawblades*,<sup>3</sup> the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Results* and is amending the *Final Results*.<sup>4</sup>

**DATES:** *Effective Date:* February 19, 2013.

**FOR FURTHER INFORMATION CONTACT:** Seth Isenberg, Office 9, AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-0588.

**SUPPLEMENTARY INFORMATION:** On November 4, 2011, the Department issued its *Final Results*.<sup>5</sup> In the *Final Results*, the Department rescinded the review with respect to Gem-Year, noting that it had no suspended entries during the period of review ("POR").<sup>6</sup>

In *Hubbell*, the CIT remanded the *Final Results* to the Department to reconsider its rescission of the review with respect to Gem-Year.<sup>7</sup> The Department then issued a remand redetermination finding that, while Gem-Year had no suspended entries during the POR, it demonstrated its independence from the government of the PRC and was qualified to receive a separate rate.<sup>8</sup> In its Redetermination, the Department assigned the separate rate of 55.16 percent to Gem-Year.<sup>9</sup>

On February 7, 2013, the CIT sustained the Department's Redetermination and entered final judgment accordingly.<sup>10</sup>

#### **Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC held that, pursuant to section 516A(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. The CIT's February 7, 2013, judgment sustaining

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

<sup>4</sup> See *Certain Steel Threaded Rod from the People's Republic of China: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review*, 76 FR 68400 (November 4, 2011) ("*Final Results*") (review covering the period October 8, 2008, through March 31, 2010).

<sup>5</sup> *Id.*

<sup>6</sup> See *Final Results*, and accompanying Issues and Decision Memorandum at Comment 1.

<sup>7</sup> See *Hubbell*, at 6-19.

<sup>8</sup> See Redetermination.

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

<sup>10</sup> See *Hubbell Power Systems, Inc. v. United States*, Court No. 11-00474, Slip Op. 13-20 (February 7, 2013).

the Department's Redetermination granting a separate rate to Gem-Year constitutes a final decision of that court that is not in harmony with the Department's *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 decision.

#### **Amended Final Results**

Because there is now a final court decision with respect to the *Final Results*, the Department is amending its *Final Results*. The Department finds the following revised margin to exist:

#### **STEEL THREADED ROD FROM THE PRC**

Exporter	Weighted-average margin (percent)
Gem-Year Industrial Co., Ltd. ..	55.16

For Gem-Year, the cash deposit rate will be the rate listed above and the Department will instruct U.S. Customs and Border Protection ("CBP") accordingly. If the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will also instruct CBP to assess antidumping duties on entries of the subject merchandise exported by Gem-Year during the POR at the rate listed above.

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

Dated: February 25, 2013.

**Paul Piquado,**  
Assistant Secretary for Import Administration.

[FR Doc. 2013-04938 Filed 3-1-13; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-840]

#### **Certain Orange Juice From Brazil; Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**DATES:** *Effective Date:* March 4, 2013.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood, AD/CVD

<sup>1</sup> See *Hubbell Power Systems, Inc. v. United States*, Court No. 11-00474, Slip Op. 13-20 (February 7, 2013) ("*Final Remand*"); *Final Results of Remand Redetermination Pursuant To Remand Order ("Redetermination")*, Court No. 11-00474, dated December 18, 2012.

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

Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482-3874.

#### SUPPLEMENTARY INFORMATION:

##### Amended Final Results

On August 11, 2008, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain orange juice (OJ) from Brazil.<sup>1</sup> The period of review (POR) is August 24, 2005, through February 28, 2007.

Following the publication of the final results, Fischer S.A. Comercio, Industria, and Agricultura (Fischer) filed a lawsuit with the United States Court of International Trade (CIT) challenging the Department's final results of administrative review. On April 6, 2010, the CIT remanded the case to reconsider the calculation of Fischer's constructed export price of not-from-concentrate orange juice (NFC) in light of certain evidence that the agency had previously rejected as untimely.<sup>2</sup> The CIT affirmed the final results in all other respects. *Id.* On May 24, 2010, the Department filed the remand results with the Court, in which it considered the new evidence and concluded that the new evidence did not warrant a change to the original calculation. On November 23, 2010, the CIT affirmed the remand results.<sup>3</sup>

Fischer appealed certain aspects of the CIT's April 6, 2010, decision before the Court of Appeals for the Federal Circuit (CAFC). On March 23, 2012, the CAFC affirmed in part and remanded in part.<sup>4</sup> The CAFC ordered the CIT to remand the case back to the Department to: (1) Accept certain additional new factual information, which was contained in Fischer's case brief and, if necessary, recalculate Fischer's antidumping duty margin; and (2) provide its reasoning for the continued use of "zeroing" in some proceedings but not others. *Id.*

On September 10, 2012, the parties submitted a joint status report to the

CIT, in which they requested to delay the issuance of the remand order so that the parties could explore the possibility of settlement. On February 7, 2013, the United States, Fischer, and the petitioners entered into an agreement to settle this dispute and requested a stipulated judgment. On February 12, 2013, the CIT issued an order of stipulated judgment. Pursuant to the terms of the February 2013 agreement and the stipulated judgment, we are setting Fischer's weighted-average margin at 1.63 percent, based solely on the reconsideration of the new factual information contained in Fischer's case brief and without making any change with respect to zeroing. Consistent with the February 2013 agreement and the stipulated judgment, we will instruct U.S. Customs and Border Protection to liquidate Fischer's unliquidated entries during the POR in accordance with these amended final results. However, we will not use the margin of 1.63 percent to establish a revised cash deposit rate for Fischer because the antidumping duty order on OJ from Brazil was revoked on April 20, 2012, with an effective date of March 9, 2011.<sup>5</sup>

We are issuing this determination and publishing these amended final results and notice in accordance with 19 U.S.C. 1516a(e).

Dated: February 25, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2013-04935 Filed 3-1-13; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC507**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Central Gulf of Alaska Rockfish Program

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

**ACTION:** Notification of standard prices and fee percentage.

**SUMMARY:** NMFS publishes the standard ex-vessel prices and fee percentage for cost recovery under the Central Gulf of Alaska Rockfish Program. This action is intended to provide participants in a

rockfish cooperative with the standard prices and fee percentage for the 2012 fishing year, which was authorized from May 1 through November 15. The fee percentage is 1.4 percent. The fee liability payments were due from each rockfish cooperative by February 15, 2013.

**DATES:** Effective March 4, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Gwen Herrewig, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

The rockfish fisheries are conducted in Federal waters near Kodiak, AK, by trawl and longline vessels. Regulations implementing the Central Gulf of Alaska (GOA) Rockfish Program (Rockfish Program) are set forth at 50 CFR part 679. Exclusive harvesting privileges are allocated under the Rockfish Program for rockfish primary and secondary species. The rockfish primary species are northern rockfish, Pacific ocean perch, and pelagic shelf rockfish. The rockfish secondary species include Pacific cod, rougheye rockfish, shortraker rockfish, sablefish, and thornyhead rockfish. Rockfish cooperatives began fishing under the Rockfish Program on May 1, 2012.

The Rockfish Program is a type of limited access privilege program established under the provisions of section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Section 303A requires that NMFS collect fees for limited access programs to recover the actual costs directly related to management, data collection and analysis, and enforcement activities. Section 304(d)(2) of the MSA requires that NMFS collect fees for the Rockfish Program equal to the actual costs directly related to management, enforcement and data collection (management costs). Section 304(d)(2) of the MSA also limits the cost recovery fee so that it may not exceed 3 percent of the ex-vessel value of the fish harvested under the Rockfish Program.

##### Standard Prices

NMFS calculates cost recovery fees based on standard ex-vessel value price, rather than actual price data provided by each rockfish cooperative quota (CQ) holder. Use of a standard ex-vessel price is allowed under sections 303A and 304(d)(2) of the MSA. NMFS generates a standard ex-vessel price for each rockfish primary and secondary species on a monthly basis to determine the average price paid per pound for all shoreside processors receiving rockfish primary and secondary species CQ.

<sup>1</sup> See *Certain Orange Juice from Brazil: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 73 FR 46584 (Aug. 11, 2008).

<sup>2</sup> See *Fischer S.A. Comercio, Industria, and Agricultura v. United States*, 700 F. Supp. 1364, 1381 (Ct. Int'l Trade 2010).

<sup>3</sup> See *Fischer S.A. Comercio, Industria, and Agricultura v. United States*, 746 F. Supp. 1353, 1357 (Ct. Int'l Trade 2010).

<sup>4</sup> See *Fischer S.A. Comercio, Industria, and Agricultura v. United States*, 2012 U.S. App. LEXIS 6055 (CAFC March 23, 2012) (non-precedential opinion).

<sup>5</sup> See *Revocation of Antidumping Duty Order: Certain Orange Juice From Brazil*, 77 FR 23659 (April 20, 2012).