

review of the antidumping duty order on PRCBs from Thailand covering the period of review (POR) of August 1, 2009 through July 31, 2010, with respect to the weighted-average dumping margins calculated for Thai Plastic Bags Industries Company (TPBI) and Landblue (Thailand) Co., Ltd. (Landblue).

**DATES:** *Effective Date:* November 25, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Bryan Hansen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3683.

**SUPPLEMENTARY INFORMATION:** The Department published the final results of the 2009–2010 administrative review of the antidumping duty order on PRCBs from Thailand on November 3, 2011.<sup>3</sup> Both Thai Plastic Bags Industries Co., Ltd. and Polyethylene Retail Carrier Bag Committee (and its individual members, Hilex Poly Co., LLC and Superbag Corp. (collectively, the petitioner)) timely filed complaints with the CIT to challenge various aspects of the *Final Results*. On March 19, 2013, the Court remanded for the Department to reconsider its positions with regard to its calculation of the general and administrative expenses for TPBI and its adjustment of the surrogate selling expenses used to construct selling expenses for Landblue.<sup>4</sup> On July 10, 2013, the Department filed the *Remand Results* with the CIT, in which the Department revised its calculations of TPBI's general and administrative expenses and its adjustment of the surrogate selling expenses used to construct selling expenses for Landblue. Accordingly, the Department recalculated TPBI's weighted-average dumping margin from 35.71 percent to 35.79 percent and recalculated Landblue's weighted-average margin from 25.73 percent to 25.60 percent. On November 13, 2013, the Court affirmed the Department's *Remand Results*.<sup>5</sup>

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the Federal Circuit has held that,

pursuant to section 516A(e) of the Tariff Act of 1930, as amended (Act), the Department must publish a notice of a court decision not “in harmony” with a Department determination, and must suspend liquidation of entries pending a “conclusive” court decision. The Court's November 13, 2013, judgment constitutes a final decision of the CIT that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirement 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 this case, the Department is amending its *Final Results* with respect to TPBI's and Landblue's weighted-average dumping margins for this POR. The revised weighted-average dumping margins are as follows:

Manufacturer/exporter	Weighted-average margin (percent)
Thai Plastic Bags Industries Company .....	35.79
Landblue (Thailand) Co., Ltd.	25.60

In the event that the CIT's ruling is not appealed, or if appealed, upheld by the Federal Circuit, the Department will instruct United State Customs and Border Protection (CBP) to liquidate entries of subject merchandise by TPBI and Landblue in accordance with 19 CFR 351.212(b)(1).<sup>6</sup> Since the *Final Results*, the Department has not established a new cash deposit rate for Landblue. Therefore, consistent with section 751(a)(1) of the Act, the Department will instruct CBP to collect cash deposits for entries of subject merchandise by Landblue at the amended rate.<sup>7</sup> Because the order on PRCBs from Thailand was revoked in part with respect to TPBI effective July 28, 2010,<sup>8</sup> we will not instruct CBP to collect cash deposits for entries of subject merchandise by TPBI.

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 25, 2013.

**Paul Piquado,**

*Assistant Secretary for Enforcement and Compliance.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A–583–848]

**Certain Stilbenic Optical Brightening Agents From Taiwan: Rescission of Antidumping Duty Administrative Review; 2011–2013**

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

**SUMMARY:** The Department of Commerce (the Department) is rescinding its administrative review of the antidumping duty order on certain stilbenic optical brightening agents (OBAs) from Taiwan for the period November 3, 2011, through April 30, 2013.

**DATES:** *Effective Date:* December 3, 2013.

**FOR FURTHER INFORMATION CONTACT:**

Hermes Pinilla or Minoo Hatten, AD/CVD Operations Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3477 and (202) 482–1690 respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 1, 2013, we published a notice of opportunity to request an administrative review of the antidumping duty order on OBAs from Taiwan for the period of review November 3, 2011, through April 30, 2013.<sup>1</sup> On June 28, 2013, in response to a May 31, 2013, request for review from the petitioner, Clariant Corporation (Clariant), and in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the order on OBAs from Taiwan with respect to Teh

<sup>3</sup> See *Polyethylene Retail Carrier Bags From Thailand: Final Results of Antidumping Duty Administrative Review*, 76 FR 59999 (September 28, 2011) (*Final Results*), as amended, 76 FR 68137 (November 3, 2011) (*Amended Final Results*).

<sup>4</sup> See *Thai Plastic Bags Industries Co., Ltd., v. United States*, Consol. Court No. 11–00408, Slip Op. 13–34 (CIT March 19, 2013).

<sup>5</sup> See *TPBI v. United States*, Slip Op. 13–139 at 25.

<sup>6</sup> See *Final Results*, 76 FR 60001 and *Amended Final Results*.

<sup>7</sup> See *Final Results*, 74 FR 68138.

<sup>8</sup> See *Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order on Polyethylene Retail Carrier Bags From Thailand*, 75 FR 48940 (August 12, 2010).

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 78 FR 25423 (May 1, 2013).

Fong Min International Co., Ltd. (Teh Fong Min).<sup>2</sup>

On September 25, 2013, Clariant withdrew its request for an administrative review of Teh Fong Min.<sup>3</sup>

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, “in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.” Clariant withdrew its request for review within the 90-day time limit. Further, because we rejected Teh Fong Min’s June 3, 2013 request for the Department to conduct an administrative review, as untimely,<sup>4</sup> and received no other requests for review of Teh Fong Min or with respect to other companies subject to the order, we are rescinding the administrative review of the order in full. This rescission is in accordance with 19 CFR 351.213(d)(1).

Accordingly, the Department intends to issue appropriate assessment instructions to U.S. Customs and Border Protection 15 days after publication of this notice.

#### Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the Department’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply

with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: November 26, 2013.

**Christian Marsh,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part

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

**SUMMARY:** The Department of Commerce (“the Department”) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates. In accordance with the Department’s regulations, we are initiating those administrative reviews.

**DATES:** *Effective Date:* December 3, 2013.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with October anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

##### Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (“POR”), it must notify the Department within 60 days of

publication of this notice in the **Federal Register**. All submissions must be filed electronically at <http://iaaccess.trade.gov> in accordance with 19 CFR 351.303. *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011). Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (“Act”). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department’s service list.

##### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (“CBP”) data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (“APO”) to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this **Federal Register** notice. 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 applicable 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

<sup>2</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 78 FR 38924 (June 28, 2013).

<sup>3</sup> See letter from Clariant to the Department, “Certain Stilbenic Optical Brightening Agents from Taiwan: Withdrawal of Petitioner’s Request for Administrative Review” (September 25, 2013).

<sup>4</sup> See letter from Teh Fong Min, “Certain Stilbenic Optical Brightening Agents (CSOBA)” (June 3, 2013); see also letter from the Department to Teh Fong Min (June 5, 2013).