

15, 2012. Subject to the rules of origin in Annex 4.1 of the Agreement, pursuant to the textile provisions of the Agreement, fabric, yarn, and fiber produced in Colombia or the United States and traded between the two countries are entitled to duty-free tariff treatment. Annex 3–B of the Agreement also lists specific fabrics, yarns, and fibers that the two countries agreed are not available in commercial quantities in a timely manner from producers in Colombia or the United States. The fabrics listed are commercially unavailable fabrics, yarns, and fibers, which are also entitled to duty-free treatment despite not being produced in Colombia or the United States.

The list of commercially unavailable fabrics, yarns, and fibers may be changed pursuant to the commercial availability provision in Chapter 3, Article 3.3, Paragraphs 5–7 of the Agreement. Under this provision, interested entities from Colombia or the United States have the right to request that a specific fabric, yarn, or fiber be added to, or removed from, the list of commercially unavailable fabrics, yarns, and fibers in Annex 3–B of the Agreement.

Chapter 3, Article 3.3, paragraph 7 of the Agreement requires that the President “promptly” publish procedures for parties to exercise the right to make these requests. Section 203(o)(4) of the Act authorizes the President to establish procedures to modify the list of fabrics, yarns, or fibers not available in commercial quantities in a timely manner in either the United States or Colombia as set out in Annex 3–B of the Agreement. The President delegated the responsibility for publishing the procedures and administering commercial availability requests to the Committee for the Implementation of Textile Agreements (“CITA”), which issues procedures and acts on requests through the U.S. Department of Commerce, Office of Textiles and Apparel (“OTEXA”) (See Proclamation No. 8818, 77 FR 29519, May 18, 2012).

The intent of the U.S.-Colombia TPA Commercial Availability Procedures is to foster the use of U.S. and regional products by implementing procedures that allow products to be placed on or removed from a product list, on a timely basis, and in a manner that is consistent with normal business practice. The procedures are intended to facilitate the transmission of requests; allow the market to indicate the availability of the supply of products that are the subject of requests; make available promptly, to interested entities and the public, information regarding the requests for

products and offers received for those products; ensure wide participation by interested entities and parties; allow for careful review and consideration of information provided to substantiate requests, responses and rebuttals; and provide timely public dissemination of information used by CITA in making commercial availability determinations.

CITA must collect certain information about fabric, yarn, or fiber technical specifications and the production capabilities of Colombian and U.S. textile producers to determine whether certain fabrics, yarns, or fibers are available in commercial quantities in a timely manner in the United States or Colombia, subject to Section 203(o) of the Act.

II. Method of Collection

Participants in a commercial availability proceeding must submit public versions of their Requests, Responses or Rebuttals electronically (via email) for posting on OTEXA’s Web site. Confidential versions of those submissions which contain business confidential information must be delivered in hard copy to OTEXA at the U.S. Department of Commerce.

III. Data

OMB Control Number: None.

Form Number(s): None.

Type of Review: Regular submission (new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 16.

Estimated Time per Response: 8 hours per Request, 2 hours per Response, and 1 hour per Rebuttal.

Estimated Total Annual Burden Hours: 89.

Estimated Total Annual Cost to Public: \$5,340.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 12, 2012.

Gwellnar Banks,
Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2012–14677 Filed 6–14–12; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Results and Notice of Amended Final Results

SUMMARY: On June 4, 2012, the United States Court of Appeals for the Federal Circuit (“CAFC”) issued its mandate in *Qingdao Taifa Group Co. v. United States*, 780 F. Supp. 2d 1342 (Fed. Cir. 2012), affirming the Court of International Trade’s (“CIT”) or (“Court”) decision in *Qingdao Taifa Group Co., Ltd. v. United States*, Court No. 08–00245, Slip Op. 11–83 (CIT 2011) sustaining the Department of Commerce’s (“the Department”) final results of its third redetermination pursuant to the CIT’s remand order in *Qingdao Taifa Group Co. Ltd. v. United States*, Court No. 08–00245, Slip Op. 10–126 (CIT 2010) (“*Remand III*”).¹

Consistent with the decision of the CAFC in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (“*Timken*”), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (“*Diamond Sawblades*”), 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 of the 2005–2006 administrative review of hand trucks from the People’s Republic of China (“PRC”) with respect to the margin assigned to Qingdao Taifa Group Co. Ltd. (“Taifa”) covering the period of review (“POR”) December 1, 2005, through November 30, 2006.

EFFECTIVE DATE: June 14, 2012.

FOR FURTHER INFORMATION CONTACT: Brooke Kennedy, Office 8, Import Administration, International Trade Administration, U.S. Department of

¹ See Final Results of Redetermination Pursuant To Court Remand, Court No. 08–00245, dated March 17, 2011, available at: <http://www.ia.ita.doc.gov/remands/index.html> (“Redetermination III”).

Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3818.

SUPPLEMENTARY INFORMATION: In the *Final Results*,² the Department applied total adverse facts available (“AFA”) to Taifa because we found that Taifa withheld information that had been requested, significantly impeded the proceeding and provided information that could not be verified. Additionally, the Department found evidence at verification which indicated local government ownership over Taifa, and contradicted Taifa’s submitted questionnaire responses. As such, the Department determined that Taifa failed to fully explain the ownership interests in the company and because of this, Taifa failed to demonstrate entitlement to a separate rate. Accordingly, the Department applied the PRC-wide rate of 383.60 percent to Taifa for the POR. On August 11, 2009, the CIT remanded the *Final Results* to the Department in *Remand I*.³ The Court sustained the Department’s decision to apply AFA to Taifa, however, the Court remanded the matter to the Department to determine whether the local government ownership resulted in *de facto* control such that the Department could treat Taifa as part of the PRC-wide entity. Further, the Court held that because the PRC-wide entity rate presumes government control, the Department is not permitted to select the PRC-wide rate as the AFA rate without first making a determination about the presence or absence of *de facto* government control over Taifa.⁴

On January 22, 2010, the Department issued a hand trucks redetermination, Redetermination I.⁵ Pursuant to *Remand I*, we determined that the record did not contain affirmative evidence that a government entity exercised *de facto* control over Taifa, so we granted Taifa a separate rate and assigned an AFA margin based on a control number-specific margin from the most recently completed segment of the proceeding in which Taifa participated as a mandatory respondent. Specifically, the margin was calculated from Taifa’s own reported information and data from the investigation. The Department’s

redetermination resulted in changing Taifa’s margin from 383.60 percent to 227.73 percent.

On May 12, 2010, the CIT remanded the matter a second time in *Remand II*, finding that the Department had failed to meaningfully investigate the question of government control.⁶ The CIT declined to decide whether the 227.73 percent rate provided by the Department was supported, but required the Department to make a decision supported by substantial evidence about Taifa’s independence from or control by the Chinese government.⁷

On July 27, 2010, the Department issued its second redetermination, Redetermination II,⁸ in which we found that because the information provided by Taifa regarding its ownership was unreliable, the Department was unable to conclude based on substantial evidence that Taifa was *de facto* free of government control and thus entitled to a separate rate. Therefore the Department assigned Taifa the PRC-entity rate of 383.60 percent.

The CIT ruled on Redetermination II on November 12, 2010, and once again remanded back to the Department *Remand III* ordering that we either explain why substantial record evidence supports a finding of central government control thereby justifying imposition of the PRC-wide entity rate, or that we grant Taifa a separate rate “grounded in the realities of the industry.”⁹

Pursuant to *Remand III*, on March 27, 2011, the Department issued its third redetermination, Redetermination III, this time granting Taifa a separate rate, concluding after re-weighting the evidence that there was not substantial record evidence that the central government controlled Taifa’s business decisions.¹⁰ The Department assigned a rate of 145.90 percent based on 36 percent of Taifa’s total sales by quantity from the prior segment of the proceeding when Taifa was a cooperative respondent. The CIT sustained Redetermination III on July 12, 2011, holding that the Department corroborated the rate to the extent practicable, the rate was not punitive

nor so out of touch with Taifa’s practice as to be aberrational, and the Department used a reasonable methodology to calculate the rate.¹¹ After hearing the issue on appeal, on June 4, 2012, the CAFC affirmed the CIT’s July 12, 2011 opinion, sustaining Redetermination III.¹²

Timken Notice

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(c) 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 CAFC’s decision sustaining the Department’s remand redetermination with respect to Taifa 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 time for application for a *writ of certiorari*, or if a *writ of certiorari* is granted, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision, we are amending the *Final Results* to reflect the results of the litigation. The revised weighted-average dumping margin is as follows:

| Exporter | Percent margin |
|------------------------------------|----------------|
| Qingdao Taifa Group Co., Ltd | 145.90 |

Accordingly, if there is no *writ of certiorari* granted in this case, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise exported by Taifa during the POR at 145.90 percent. Additionally, because Taifa has not participated in any administrative reviews since the December 1, 2005, through November 30, 2006 administrative review, Taifa’s cash deposit rate will be 145.90 percent, effective June 14, 2012 (*i.e.*, 10 days after the issuance of the CAFC mandate).

¹¹ *Qingdao Taifa Group Co., Ltd. v. United States*, Court No. 08–00245, Slip Op. 11–83 (CIT Jul. 12, 2011).

¹² *Qingdao Taifa Group Co. v. United States*, 2012 U.S. App. LEXIS 7281 (Fed. Cir. Apr. 11, 2012).

² See *Hand Trucks and Certain Parts Thereof from the People’s Republic of China: Final Results of 2005–2006 Administrative Review*, 73 FR 43684 (July 28, 2008) (“*Final Results*”).

³ See *Qingdao Taifa Group Co., Ltd. v. United States*, 637 F. Supp. 2d 1231, 1244 (CIT 2009) (“*Remand I*”).

⁴ See *id.*

⁵ See *Final Results of Redetermination Pursuant To Court Remand*, Court No. 08–00245, dated January 22, 2010, (“*Redetermination I*”) available at: <http://www.ia.ita.doc.gov/remands/index.html>.

⁶ *Qingdao Taifa Group Co., Ltd. v. United States*, 710 F. Supp. 2d 1352, 1357 (CIT 2012) (“*Remand II*”).

⁷ See *id.* at 1358.

⁸ See *Final Results of Redetermination Pursuant To Court Remand*, Court No. 08–00245, dated July 27, 2010, (“*Redetermination II*”) available at: <http://www.ia.ita.doc.gov/remands/index.html>.

⁹ See *id.*, at 1385, 1386.

¹⁰ See *Final Results of Redetermination Pursuant To Court Remand*, Court No. 08–00245, dated March 27, 2011, available at: <http://www.ia.ita.doc.gov/remands/index.html> (“*Redetermination III*”).

This notice is issued and published in accordance with sections 516A(c)(1), 735(d) and 777(i)(1) of the Act.

Dated: June 13, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012-14795 Filed 6-14-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Federal advisory committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Friday, July 20, 2012, at 9 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held in Room 1412 at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Todd DeLelle, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230. (Phone: 202-482-4877; Fax: 202-482-5665; email: todd.delelle@trade.gov). This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482-5225 no less than one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The meeting will take place from 9:00 a.m. to 3:30 p.m. EDT. This meeting is open to the public and time will be permitted for public comment from 3:00-3:30 p.m. EDT. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topics To Be Considered

The agenda for the July 20, 2011 ETTAC meeting will include discussion of various issues and policies that affect environmental trade. These subjects will encompass the harmonization of global environmental regulations, standards,

and certification programs; analysis of existing environmental goods and services data sources; development of trade promotion programs; and issues related to innovation in the environmental technology sector.

Background: The ETTAC is mandated by Public Law 103-392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently re-chartered until October 2012.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2012-14511 Filed 6-14-12; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a public meeting of the Commerce Spectrum Management Advisory Committee (Committee). The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on spectrum management policy matters.

DATES: The meeting will be held on July 24, 2012, from 1:30 p.m. to 5:30 p.m., Mountain Daylight Savings Time.

ADDRESSES: The meeting will be held at the Institute for Telecommunication Sciences, Conference Room 1107, 325 Broadway, Boulder, CO 80305-3328. Public comments may be mailed to Commerce Spectrum Management Advisory Committee, National Telecommunications and Information Administration, 1401 Constitution Avenue NW., Room 4099, Washington, DC 20230 or emailed to spectrumadvisory@ntia.doc.gov.

FOR FURTHER INFORMATION CONTACT: Bruce M. Washington, Designated Federal Officer, at (202) 482-6415 or BWashington@ntia.doc.gov; and/or visit

NTIA's Web site at <http://www.ntia.doc.gov/advisory/spectrum>.

SUPPLEMENTARY INFORMATION:

Background: The Committee provides advice to the Assistant Secretary of Commerce for Communications and Information on needed reforms to domestic spectrum policies and management in order to: license radio frequencies in a way that maximize their public benefits; keep wireless networks open to innovation as possible; and make wireless services available to all Americans (*See* charter, at http://www.ntia.doc.gov/advisory/spectrum/csmac_charter.html). This Committee is subject to the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. 904(b). The Committee functions solely as an advisory body in compliance with the FACA. For more information about the Committee visit: <http://www.ntia.doc.gov/advisory/spectrum>.

Matters To Be Considered: The Committee will receive recommendations from subcommittees on matters related to the accomplishment of the President's ten-year goal of identifying 500 megahertz of radio spectrum for wireless broadband. The Sharing, Unclassified, and Spectrum Management Improvements Subcommittees will report on the status of their determinations and findings and facilitate discussion on recommended next steps. In addition, the Committee will receive reports from designated committee members on the progress of the following five working groups to repurpose the 1695-1710 MHz and 1755-1850 MHz bands for wireless broadband:

1. WG1 1695-1710 MHz Weather Satellite Receive Earth Stations,
2. WG2 1755-1850 MHz Law Enforcement Surveillance and other short-range fixed,
3. WG3 1755-1850 MHz Satellite Control Links and Electronic Warfare,
4. WG4 1755-1850 MHz Fixed Point-to-Point and Tactical Radio Relay, and
5. WG5 1755-1850 MHz Airborne Operations.

NTIA will post a detailed agenda on its Web site, <http://www.ntia.doc.gov>, prior to the meeting. To the extent that the meeting time and agenda permit, any member of the public may speak to or otherwise address the advisory committee regarding agenda items. During the portion of the meeting when the public may make an oral presentation, speakers may address only