

1320.8(d)). This notice identifies an information collection that RUS is submitting to OMB for extension.

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 will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Michele L. Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., STOP 1522, Room 5162 South Building, Washington, DC 20250-1522. Telephone: (202) 690-1078, FAX: (202) 720-8435.

#### Abstract

The American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), Congress appropriated \$2.5 billion of budget authority for establishing the Broadband Initiatives Program (BIP) which may extend loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of advanced communications services and infrastructure, the program will advance the objectives of the Recovery Act to spur job creation and stimulate long-term economic growth and opportunity.

The collection of information for this program is vital to RUS to ensure compliance with the provisions of this Notice and to fulfill the requirements of the Recovery Act. In summary, the collection of information is necessary in order to implement this program.

#### 1. Reporting and Registration Requirement Under Section 1512 of the Recovery Act

a. This award requires the recipient to complete projects or activities which are funded under the Recovery Act and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

b. The first report is due no later than ten calendar days after the initial calendar quarter in which the recipient receives the assistance award funded in

whole or in part by the Recovery Act, or by October 10, 2009. Thereafter, reports shall be submitted no later than the tenth day after the end of each calendar quarter.

c. Recipients and their first-tier recipients must maintain current registrations in the CCR (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A DUNS number is one of the requirements for registration in the CCR.

d. The recipient shall report the information described in section 1512(c) using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov>, unless the information is pre-populated.

#### 2. Agencies' Additional Paperwork Reduction Act Analysis

Copies of all forms, regulations, and instructions referenced in this NOFA may be obtained from RUS. Data furnished by the applicants will be used to determine eligibility for program benefits. Furnishing the data is voluntary; however, the failure to provide data could result in program benefits being withheld or denied.

The following estimates are based on the average over the past three years the program has been in place.

*Title:* Broadband Initiatives Program (BIP).

*OMB Control Number:* 0572-0142.

*Type of Request:* Revision of a currently approved information collection.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 3.5 hours per response.

*Respondents:* Business or other for profits; not-for-profit institutions; and State, local, and Tribal.

*Estimated Number of Respondents:* 282.

*Estimated Number of Responses per Respondent:* 1.5.

*Estimated Number of Responses:* 1,995.

*Estimated Total Annual Burden (hours) on Respondents:* 6,905.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: October 26, 2012.

**John Charles Padalino,**

*Acting Administrator, Rural Utilities Service.*

[FR Doc. 2012-26889 Filed 11-2-12; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-893]

#### Certain Frozen Warmwater Shrimp From the People's Republic of China: Notice of Court Decision Not in Harmony With the Final Determination and Amended Final Determination of the Antidumping Duty Investigation

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

**SUMMARY:** On October 23, 2012, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department") results of redetermination, pursuant to the CIT's remand order, in *Shantou Red Garden Foodstuff Co., Ltd., v. United States*, Slip Op. 12-133 (CIT 2012).<sup>1</sup>

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("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 *PRC Final Determination*<sup>2</sup> and *PRC Amended Final Determination & Order*<sup>3</sup> and is amending those final and amended final determinations with respect to Shantou Red Garden Foodstuff Co., Ltd. ("Red Garden").

**DATES:** *Effective Date:* November 2, 2012.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6905.

#### SUPPLEMENTARY INFORMATION:

<sup>1</sup> See Final Results Of Redetermination Pursuant To Court Remand, Court No. 05-00080, dated April 26, 2012, available at: <http://ia.ita.doc.gov/remands/12-7.pdf> ("*Red Garden 2012 Final Remand*"); see also *Shantou Red Garden Foodstuff Co., Ltd. v. United States*, Consol. Court No. 05-00080, Slip Op. 12-07 (CIT 2012) ("*Remand Opinion and Order*").

<sup>2</sup> See Notice of Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp From the People's Republic of China, 69 FR 70997 (December 8, 2004) ("*PRC Final Determination*").

<sup>3</sup> See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from the People's Republic of China, 70 FR 5149 (February 1, 2005) ("*PRC Amended Final Determination & Order*").

**Background**

On January 13, 2012, the CIT remanded to the Department five determinations made with respect to Red Garden in the *PRC Final Determination and PRC Amended Final Determination & Order*, two of which the Department requested for voluntary remand.<sup>4</sup> Specifically, the CIT held that: (1) The Department erred in applying partial adverse facts available (“AFA”) for certain missing factors of production (“FOP”) information from one of the unaffiliated producers for Red Garden; (2) the Department must reconsider its determination of the surrogate value (“SV”) for fresh, raw, head-on, shell-on shrimp; (3) the Department must recalculate Red Garden’s margin using the correct production volume for a certain Red Garden supplier; (4) the Department must redetermine the SV for labor expenses consistent with the CAFC’s decision in *Dorbest*;<sup>5</sup> and (5) the Department unlawfully refused to allow Red Garden to correct a miscalculation for its growth stage multiplier submitted prior to verification.

Pursuant to the CIT’s remand instructions, the Department re-examined record evidence and made the following changes. First, as facts otherwise available, we substituted Shantou Jinyuan District Mingfeng Quick-Frozen Factory (“Mingfeng”) and Shantou Longfeng Foodstuff Co., Ltd. (“Longfeng”) FOPs for Red Garden’s sales of subject merchandise supplied by Meizhou, as it did in the original *Preliminary Determination*<sup>6</sup> using the most updated FOP database submitted by Red Garden. Second, the Department relied on the publicly ranged financial statement data for Devi Sea Foods Ltd. (“Devi”), rather than data for Nekkanti, as the basis for calculating the raw shrimp SV. Third, the Department determined that the correct production

quantity of Mingfeng should be used to weight-average the FOP database because the correct quantity was on the record before verification, the Department used the correct amount in the *Preliminary Determination* to weight average the FOP database, and the Department eventually verified the correct amount. However, implementation of Mingfeng’s production quantity was unnecessary in the *Red Garden 2012 Final Remand* because the Department had actually used the correct amount, as used in the *Preliminary Determination*, to weight average the FOP databases.<sup>7</sup> Accordingly, no changes were required in the margin program specific to this issue as it already contains the result mandated by the Court. Fourth, following *Dorbest*, the Department requested a voluntary remand of its wage rate calculations for Red Garden in the *Final Determination*. The CIT granted that request and remanded the *Final Determination* with instructions that the labor wage value be recalculated in accordance with law, supported with substantial evidence, and to comply with *Dorbest*. Consequently, the Department revised its valuation of Red Garden’s reported labor input in the *Final Determination* in accordance with the CAFC’s interpretation of section 773(c) of the Act as expressed in *Dorbest*. The Department, therefore, calculated an industry-specific hourly wage rate for the single, primary surrogate country, India. Lastly, in the *Final Determination*, the Department had not used the correct growth stage multiplier without explanation. The Department requested a voluntary remand for the purposes of considering Red Garden’s supplier’s growth stage multiplier and upon further review, the Department re-determined to use the revised growth stage multiplier collected at verification

as there is no indication that the Department rejected it as a minor correction at verification or that it intended to reject it in the *Final Determination*.

On April 5, 2012, the Department released the draft redetermination of remand and invited interested parties to comment. The Department received no comments on the draft redetermination.<sup>8</sup> On October 23, 2012, the CIT affirmed all aspects of the Department’s remand redetermination.<sup>9</sup>

**Timken Notice**

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of 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 October 23, 2012, judgment sustaining the *Red Garden 2012 Final Remand* constitutes a final decision of that court that is not in harmony with the *PRC Final Determination and PRC Amended Final Determination & Order*. 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. 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 Determination**

Because there is now a final court decision with respect to Red Garden, the revised dumping margin is as follows:

Manufacturer	Exporter	Weighted-average margin (percent)
Shantou Red Garden Foodstuff Co., Ltd .....	Shantou Red Garden Foodstuff Co., Ltd. ....	7.20

<sup>4</sup> See *Remand Opinion and Order*.

<sup>5</sup> See *Dorbest Ltd. v. United States*, 604 F.3d 1363, 1372–73 (Fed. Cir. 2010) (“*Dorbest*”).

<sup>6</sup> See *Notice of Preliminary Determination of Sales at Less Than Fair Value, Partial Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned*

*Warmwater Shrimp From the People’s Republic of China*, 69 FR 42654 (July 16, 2004) (“*Preliminary Determination*”).

<sup>7</sup> See *Red Garden 2012 Final Remand* at 12–13; see also Memorandum to the File; RE: Red Garden Final Determination Analysis Memorandum dated November 29, 2004, at SAS LOG lines 552–612.

<sup>8</sup> See *Shantou Red Garden Foodstuff Co., Ltd. v. United States*, Slip Op. 12–07, Court No. 05–00080, Draft Results of Redetermination Pursuant to Court Remand (April 5, 2012) and Red Garden Analysis Memorandum for the Draft Results of Redetermination (“Draft Results Analysis Memo”).

<sup>9</sup> See *Shantou Red Garden Foodstuff Co., Ltd., v. United States*, Slip Op. 12–133 (CIT 2012).

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

Dated: October 31, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2012-27042 Filed 11-1-12; 4:15 pm]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-986]

#### Hardwood and Decorative Plywood From the People's Republic of China: Initiation of Antidumping Duty Investigation; Correction

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

**DATES:** *Effective Date:* November 5, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Catherine Bertrand or Katie Marksberry at (202) 482-3207 or (202) 482-7906, respectively, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

*Background:* The Department of Commerce published a notice in the **Federal Register** on October 25, 2012, concerning the initiation of an antidumping duty investigation of hardwood and decorative plywood from the People's Republic of China.<sup>1</sup> The document as published did not include Appendix I, which was referenced in the "Scope of the Investigation" section. The referenced scope language is appended to this notice.

Dated: October 26, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix I—Scope of the Investigation

Hardwood and decorative plywood is a panel composed of an assembly of two or more layers or plies of wood veneer(s) in combination with a core. The several layers, along with the core, are glued or otherwise bonded together to form a finished product. A hardwood and decorative plywood panel can be composed of one or more species of hardwoods, softwoods, or bamboo, (in addition to other materials that are used for the core, as detailed below).

<sup>1</sup> See *Hardwood and Decorative Plywood From the People's Republic of China: Initiation of Antidumping Duty Investigation*, 77 FR 65172 (October 25, 2012).

Hardwood and decorative plywood is generally manufactured to American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP-1-2009; it is differentiated from "structural plywood" (also known as "industrial plywood" or "industrial panels"), which must meet the "bond performance" requirements set forth at paragraph 5.8.6.4 of U.S. Products Standard PS 1-09 for Structural Plywood.

Hardwood and decorative plywood is primarily manufactured as a panel. The most common panel sizes are 1219 × 1829 mm (48 × 72 inches), 1219 × 2438 mm (48 × 96 inches), and 1219 × 3048 mm (48 × 120 inches). However, these panels may be cut-to-size by the manufacturer in accordance with a customer's requirements, or made to other sizes.

A "veneer" is a thin slice of wood, rotary cut, sliced or sawed from a log, bolt or flitch. The face veneer is the exposed veneer of a hardwood and decorative plywood product which is of a superior grade than that of the other exposed veneer of the product (i.e., as opposed to the inner veneers). The face veneer is also either side of the product when the two exposed veneers are of the same grade. The face veneer is also the side of the product that is intended to be exposed for view after installation.

The core of hardwood and decorative plywood consists of the layer or layers of material(s) that are situated between the front and back veneers. The core may be composed of a range of materials, including but not limited to veneers, particleboard, and medium-density fiberboard (MDF).

All hardwood and decorative plywood is included within the definition of subject merchandise regardless whether or not the face and/or back veneers are surface coated. Additionally, the face veneer of hardwood and decorative plywood may be sanded, smoothed or given a "distressed" appearance through such methods as hand-scraping or wire brushing. The face veneer may also be stained (i.e., to achieve a particular color).

Unless subject to a specifically enumerated exclusion detailed below, all hardwood and decorative plywood is included within the definition of subject merchandise, without regard to: Dimension (overall thickness, thickness of face veneer, thickness of back veneer, thickness of core, and thickness of inner veneers; width; and length); wood species used for the face, back and inner veneers (including hardwoods, softwoods or bamboo); core composition; the grade of the face and back veneers; and whether or not surface coated (i.e., "unfinished" or "prefinished"). The face and/or back veneers of the product may be sanded, smoothed, scraped or stained.

Hardwood and decorative plywood is generally manufactured to American National Standard for Hardwood and Decorative Plywood, ANSI/HPVA HP-1-2009. Regardless of whether the product meets the ANSI/HPVA standard, all hardwood and decorative plywood is included within this definition if it meets the physical description set forth therein.

The scope of the investigation excludes the following items: (1) Structural plywood that

is manufactured and stamped to meet U.S. Products Standard PS 1-09 for Structural Plywood (including any revisions to that standard or any substantially equivalent international standard intended for structural plywood), including but not limited to the "bond performance" requirements set forth at paragraph 5.8.6.4 of that Standard and the performance criteria detailed at Table 4 through 10 of that Standard; (2) plywood platforms with a face and back ply of cork; (3) multilayered wood flooring, as described in the antidumping duty and countervailing duty orders on Multilayered Wood Flooring from the People's Republic of China, Import Administration, International Trade Administration, U.S. Department of Commerce Investigation Nos. A-570-970 and C-570-971 (published December 8, 2011); (4) plywood further manufactured or further worked aside from sanding, surface coating (i.e., "prefinishing"), scraping or staining (e.g., bent or molded plywood; bent or molded plywood is defined as a flat panel that is purposely further manufactured through whatever means to achieve a shape or design other than a flat plane).

Imports of the subject merchandise are provided for under the following subheadings of the Harmonized Tariff Schedule of the United States ("HTSUS"): 4412.10.0500; 4412.31.0520; 4412.31.0540; 4412.31.0560; 4412.31.2510; 4412.31.2520; 4412.31.4040; 4412.31.4050; 4412.31.4060; 4412.31.4070; 4412.31.5135; 4412.31.5155; 4412.31.5165; 4412.31.5175; 4412.31.6000; 4412.31.9100; 4412.32.0520; 4412.32.0540; 4412.32.0560; 4412.32.2510; 4412.32.2520; 4412.32.3135; 4412.32.3155; 4412.32.3165; 4412.32.3175; 4412.32.3185; 4412.32.5600; 4412.39.1000; 4412.39.3000; 4412.39.4011; 4412.39.4012; 4412.39.4019; 4412.39.4031; 4412.39.4032; 4412.39.4039; 4412.39.4051; 4412.39.4052; 4412.39.4059; 4412.39.4061; 4412.39.4062; 4412.39.4069; 4412.39.5010; 4412.39.5030; 4412.39.5050; 4412.94.1030; 4412.94.1050; 4412.94.3111; 4412.94.3121; 4412.94.3131; 4412.94.3141; 4412.94.3160; 4412.94.3171; 4412.94.4100; 4412.94.6000; 4412.94.7000; 4412.94.8000; 4412.94.9000; 4412.99.0600; 4412.99.1020; 4412.99.1030; 4412.99.1040; 4412.99.3110; 4412.99.3120; 4412.99.3130; 4412.99.3140; 4412.99.3150; 4412.99.3160; 4412.99.3170; 4412.99.4100; 4412.99.5710; 4412.99.6000; 4412.99.7000; 4412.99.8000; and 4412.99.9000.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the subject merchandise as set forth herein is dispositive.

[FR Doc. 2012-26972 Filed 11-2-12; 8:45 am]

**BILLING CODE 3510-DS-P**