

regarding this burden estimate to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, Paperwork Reduction Project 0608-0012, Washington, DC 20503.

**J. Steven Landefeld,**

*Director, Bureau of Economic Analysis.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### **Proposed Information Collection; Comment Request; Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States—Peru Trade Promotion Agreement (US—PERU TPA)**

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** On behalf of the Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before April 1, 2013.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Laurie Mease, Office of Textiles and Apparel, Telephone: 202-482-3400, Fax: 202-482-0858, Email: [Laurie.Mease@trade.gov](mailto:Laurie.Mease@trade.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

The United States and Peru negotiated the US-Peru Trade Promotion Agreement (the "Agreement"), which entered into force on February 1, 2009. 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 Peru 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 Peru 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 Peru 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 Peru 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.

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. 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. 8341, 74 FR 4105). Interim procedures to implement these responsibilities were published in the **Federal Register** on August 14, 2009. See Interim Procedures for Considering Requests Under the Commercial Availability Provision of the United States-Peru Trade Promotion Agreement Implementation Act and Estimate of Burden for Collection of Information, (74 FR 41111).

The intent of the U.S.-Peru 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 and responses; 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 Peruvian 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 Peru, subject to Section 203(o) of the US—PERU TPA.

##### **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.

##### **III. Data**

*OMB Control Number:* 0625-0265.

*Form Number(s):* N/A.

*Type of Review:* Regular submission (extension of a currently approved collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 16 (10 for Requests; 3 for Responses; 3 for Rebuttals).

*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: January 23, 2013.

**Glenna Mickelson,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-916]

#### Laminated Woven Sacks From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011-2012

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

**SUMMARY:** The Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on laminated woven sacks ("sacks") from the People's Republic of China ("PRC"). The period of review ("POR") is August 1, 2011, through July 31, 2012. The review covers one exporter of subject merchandise, Zibo Aifudi Plastic Packaging Co., Ltd. ("Aifudi"). We have preliminarily determined that Aifudi failed to demonstrate its eligibility for a separate rate. Accordingly, we are treating the company as part of the PRC-wide entity and subject to the PRC-wide rate.

**DATES:** *Effective Date:* January 29, 2013.

**FOR FURTHER INFORMATION CONTACT:** Irene Gorelik, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6905.

#### SUPPLEMENTARY INFORMATION:

##### Scope of the Order

The merchandise covered by the order<sup>1</sup> is laminated woven sacks. Laminated woven sacks are bags or sacks consisting of one or more plies of fabric consisting of woven polypropylene strip and/or woven polyethylene strip, regardless of the width of the strip; with or without an extrusion coating of polypropylene and/or polyethylene on one or both sides of the fabric; laminated by any method either to an exterior ply of plastic film such as biaxially-oriented polypropylene ("BOPP") or to an

exterior ply of paper that is suitable for high quality print graphics.<sup>2</sup> Effective July 1, 2007, laminated woven sacks are classifiable under Harmonized Tariff Schedule of the United States ("HTSUS") subheadings 6305.33.0050 and 6305.33.0080. Laminated woven sacks were previously classifiable under HTSUS subheading 6305.33.0020.<sup>3</sup> The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

##### Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended ("the Act"). Because the sole mandatory respondent, Aifudi, was unresponsive to the Department's request for information, failed to provide the requested information by the deadline, and thus failed to establish its eligibility for a separate rate, Aifudi is being treated as part of the PRC-wide entity. As a result, the PRC-wide entity is now under review. In making our preliminary determination with respect to the PRC-wide entity, we have relied on facts available and, because an element of the PRC-wide entity, Aifudi, failed to act to the best of its ability in complying with the Department's request for information, we have drawn an adverse inference in selecting from among the facts otherwise available.<sup>4</sup>

For a full description of the methodology underlying our conclusions, please see the Preliminary Decision Memo, dated concurrently with these results and hereby adopted by this notice. The Preliminary Decision Memo is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memo can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision

<sup>2</sup> See "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Laminated Woven Sacks from the People's Republic of China," from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, ("Preliminary Decision Memo"), dated concurrently with these results for a complete description of the Scope of the Order.

<sup>3</sup> Additional HTSUS considerations apply. See Preliminary Decision Memo.

<sup>4</sup> See sections 776(a) and (b) of the Act.

Memo and the electronic version of the Preliminary Decision Memo are identical in content.

##### Preliminary Results of Review

The Department preliminarily determines that the following dumping margin exists for the period August 1, 2011, through July 31, 2012:

Exporter	Margin (percent)
PRC-Wide Entity (including Zibo Aifudi Plastic Packaging Co., Ltd.) .....	91.73

##### Public Comment

Interested parties may submit case briefs not later than 30 days after the date of publication of this notice.<sup>5</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>6</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>7</sup> Case and rebuttal briefs should be filed using IA ACCESS.<sup>8</sup>

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically via IA ACCESS.<sup>9</sup> An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. Eastern Standard Time within 30 days after the date of publication of this notice.<sup>10</sup> Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Unless extended, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

##### Assessment Rates

Upon issuance of the final results, the Department will determine, and U.S. Customs and Border Protection ("CBP")

<sup>5</sup> See 19 CFR 351.309(c).

<sup>6</sup> See 19 CFR 351.309(d).

<sup>7</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>8</sup> See 19 CFR 351.303.

<sup>9</sup> See 19 CFR 351.310(c).

<sup>10</sup> See 19 CFR 351.310(c).

<sup>1</sup> See Notice of Antidumping Duty Order: Laminated Woven Sacks From the People's Republic of China, 73 FR 45941 (August 7, 2008) ("Order")