

official establishments and plants notify the Agency by submitting documents describing the operation and purpose of the new technology. The documents should explain why the new technology will not (1) adversely affect the safety of the product, (2) jeopardize the safety of Federal inspection personnel, (3) interfere with inspection procedures, or (4) require a waiver of any Agency regulation. If use of the new technology will require a waiver of any Agency regulation, the notice should identify the regulation and explain why a waiver would be appropriate. If the new technology could affect FSIS regulations, product safety, inspection procedures, or the safety of inspection program personnel, the establishment or plant would need to submit a written protocol for an in-plant trial as part of a pre-use review. FSIS expects the submitter of a written protocol to provide data to the Agency throughout the duration of the in-plant trial.

FSIS has made the following estimates based upon an information collection assessment:

**Estimate of Burden:** FSIS estimates that it will take respondents an average of 8 hours to complete a notification of intent to use new technology if no in-plant trial is necessary. If an in-plant trial is necessary, FSIS estimates that it will take an average of 80 hours to develop a protocol and an average of 80 more hours to collect data and keep records during the in-plant trial.

**Respondents:** Official establishments and plants; firms that manufacture or sell technology to official establishments and plants.

**Estimated No. of Respondents:** 75 respondents will submit notifications of intent to use new technology. 50 respondents will develop a protocol for and conduct an in-plant trial.

**Estimated No. of Annual Responses per Respondent:** 1.

**Estimated Total Annual Burden on Respondents:** 8,600 hours.

Copies of this information collection assessment can be obtained from Gina Kouba, Paperwork Reduction Act Coordinator, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6077, South Building, Washington, DC 20250; Telephone: (202) 690-6510.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of FSIS's functions, including whether the information will have practical utility; (b) the accuracy of FSIS'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, 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 both FSIS, at the addresses provided above, and the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

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.

#### Additional Public Notification

FSIS will announce this notice online through the FSIS Web page located at <http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register>.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at <http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service>.

Options range from recalls to export information to regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

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Done at Washington, DC on: November 25, 2013.

**Alfred V. Almanza,**  
Administrator.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-821]

#### Polyethylene Retail Carrier Bags From Thailand: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review; 2009-2010

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

**SUMMARY:** On November 13, 2013, the United States Court of International Trade (Court or CIT) issued its final judgment affirming the Department of Commerce's (the Department's) final results of the remand redetermination<sup>1</sup> concerning the 2009-2010 administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Thailand.<sup>2</sup> Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) 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 CIT judgment in this case is not in harmony with the Department's final results of administrative review and is amending its final results of the administrative

<sup>1</sup> See *Results of Redetermination Pursuant to Court Remand Thai Plastic Bags Industries Co., Ltd., v. United States, Polyethylene Retail Carrier Bag Committee, Hilex Poly Co., LLC, and Superbag Corporation*, Consol. Court No. 11-00408, dated July 10, 2013 (*Remand Results*).

<sup>2</sup> See *Thai Plastic Bags Industries Co., Ltd., v. United States*, Consol. Court No. 11-00408, Slip Op. 13-139 (CIT November 13, 2013) (*TPBI v. United States*).

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 States 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).