

deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 234.51 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. The deposit requirements, when imposed, shall remain in effect until further notice.

#### Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties has occurred and the subsequent assessment of doubled antidumping duties.

#### Administrative Protective Orders

In accordance with 19 CFR 351.305(a)(3), this notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: March 18, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix I

Comment 1: Treatment of the Tai Wa Hong Group's Sales

Comment 2: Cash Deposit and Liquidation Instructions

[FR Doc. 2013-06682 Filed 3-21-13; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-805]

#### Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Notice of Amended Final Results of Antidumping Duty Administrative Review Pursuant to Settlement

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

**DATES:** *Effective Date:* March 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Mark Flessner or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-6312 and (202) 482-0649, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 9, 2010, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on certain circular welded non-alloy steel pipe from Mexico. The period of review (POR) is November 1, 2007, through October 31, 2008.<sup>1</sup>

In the *Final Results*, the Department assigned to Mueller Comercial de Mexico, S. de R.L. de C.V. (Mueller), an exporter of certain circular welded non-alloy steel pipe from Mexico to the United States, an adverse facts available (AFA) rate of 48.33 percent. The application of AFA was necessitated by Mueller's failure to cooperate with the Department and impeding this administrative review by ignoring multiple requests for information.

Following the publication of the final results, Mueller filed a lawsuit with the United States Court of International Trade (CIT) challenging the Department's final results of administrative review.<sup>2</sup> The Court remanded this matter to the Department ordering that the Department "shall reconsider its determination not to apply the 'all others' rate to Mueller's entries." See the Opinion at 23. The Department complied with the Court order and reconsidered its

<sup>1</sup> See *Certain Circular Welded Non-Alloy Steel Pipe from Mexico: Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part*, 75 FR 20342 (April 19, 2010) (*Final Results*).

<sup>2</sup> See *Mueller Comercial de Mexico, S. de R.L. de C.V., and Southland Pipe Nipples Co., Inc. v. United States*, Court No. 10-00163, Slip Op. 11-159 (December 16, 2011) (the Opinion).

determination not to apply the "all others" rate to a non-cooperating respondent. In the Final Results of Redetermination Pursuant to Court Remand, for the reasons set forth in the review, the Department found the "all others" rate was not sufficient to deter non-compliance by Mueller.<sup>3</sup>

The United States and Mueller have now entered into an agreement to settle this dispute. The Court issued its Order of Judgment by Stipulation on February 27, 2013. Pursuant to the Court's Order of Judgment by Stipulation, the Department will order liquidation of the unliquidated entries of certain circular welded non-alloy steel pipe from Mexico, produced and/or exported by Mueller Comercial de Mexico, S. de R.L. de C.V., and entered or withdrawn from warehouse, for consumption in the United States, from November 1, 2007 through October 31, 2008, at the rate of 40.475 percent agreed to by the parties.

We are issuing this determination and publishing these final results of antidumping duty administrative review pursuant to settlement and notice in accordance with 19 U.S.C. 1516a(e).

Dated: March 14, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2013-06678 Filed 3-21-13; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-583-833]

#### Polyester Staple Fiber From Taiwan: 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 polyester staple fiber (PSF) from Taiwan. The period of review (POR) is May 1, 2011, through April 30, 2012. The review covers two producers/exporters of the subject merchandise, Far Eastern New Century Corporation (FENC) and Nan Ya Plastics Corporation (Nan Ya). We preliminarily find that FENC has not

<sup>3</sup> See *Final Results of Redetermination Pursuant to Court Remand: Certain Circular Welded Non-Alloy Steel Pipe from Mexico, Mueller Comercial de Mexico, S. de R.L. de C.V., and Southland Pipe Nipples Co., Inc. v. United States*, Court No. 10-00163, Slip Op. 11-159 (CIT December 16, 2011), dated May 14, 2012.

sold subject merchandise at less than normal value and that Nan Ya had no shipments during the POR.

**DATES:** *Effective Date:* March 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Bryan Hansen or Minoo Hatten, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-3683, and (202) 482-1690, respectively.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The merchandise subject to the order is PSF. The PSF subject to the order is currently classifiable under subheadings 5503.20.00.40, 5503.20.00.45, 5503.20.00.60, and 5503.20.00.65 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheadings are provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, "Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Polyester Staple Fiber from Taiwan" dated concurrently with this notice ("Preliminary Decision Memorandum"), which is hereby adopted by this notice. The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

**Preliminary Determination of No Shipments**

Nan Ya reported that it did not sell or export subject merchandise to the United States during the POR.<sup>1</sup> Based

on record evidence, we preliminarily find that Nan Ya had no shipments during the POR.

**Methodology**

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. In accordance with section 773(b) of the Act, we disregarded certain sales by FENC in the home market which were made at below-cost prices and were outside of the ordinary course of trade. To determine the appropriate comparison method, the Department applied a "differential pricing" analysis and has preliminarily determined to use the average-to-average method in making comparisons of export price or constructed export price and normal value for FENC. For a full description of the methodology underlying our conclusions, *see* Preliminary Decision Memorandum.

**Preliminary Results of Review**

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for FENC for the period May 1, 2011, through April 30, 2012.

**Disclosure and Public Comment**

Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. 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>2</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>3</sup>

Pursuant to 19 CFR 351.310(c), 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. 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. 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. The Department intends to issue the final results of this administrative review, including the results of its analysis of the 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 completion of the administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If FENC's weighted-average dumping margin is not zero or *de minimis* in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). If FENC's weighted-average dumping margin continues to be zero or *de minimis* in the final results of review, we will instruct CBP not to assess duties on any of its entries in accordance with the *Final Modification for Reviews, i.e.,* "{w}here the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis*, no antidumping duties will be assessed."<sup>4</sup>

The Department clarified its "automatic assessment" regulation on May 6, 2003.<sup>5</sup> This clarification will apply to entries of subject merchandise during the POR produced by FENC for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Consistent with the *Assessment Policy Notice*, if we continue to find that Nan Ya had no shipments of subject merchandise to the United States in the final results of this review, we intend to instruct CBP to liquidate any existing entries of merchandise produced by Nan

<sup>4</sup> *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8102 (February 14, 2012).

<sup>5</sup> For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

<sup>1</sup> *See* the no shipment letter filed by Nan Ya on August 31, 2012.

<sup>2</sup> *See* 19 CFR 351.309(d).

<sup>3</sup> *See* 19 CFR 351.309(d)(2) and (d)(2).

Ya and exported by other parties at the all-others rate.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of PSF from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for FENC will be the rate established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 7.31 percent, the all-others rate established in the *Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber From the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber From the Republic of Korea and Taiwan*, 65 FR 33807 (May 25, 2000). These cash deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a preliminary 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 18, 2013.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

#### Appendix I

List of Topics Discussed in the Preliminary Decision Memorandum

Scope of the Order  
Preliminary Determination of No Shipments  
Verification  
Comparisons to Normal Value  
Product Comparisons  
Date of Sale  
Export Price  
Normal Value  
A. Home Market Viability as Comparison Market  
B. Level of Trade  
C. Cost of Production  
D. Calculation of Normal Value Based on Comparison Market Prices

Currency Conversion

[FR Doc. 2013-06674 Filed 3-21-13; 8:45 am]

BILLING CODE 3510-DS-P

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

##### North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Completion of Panel Review of the Department of Commerce's final determination of Stainless Steel Sheet and Strip in Coils from Mexico (Secretariat File No. USA-MEX-2011-1904-01).

**SUMMARY:** Pursuant to the Order of the Binational Panel dated February 15, 2013, the panel review was completed on March 18, 2013.

#### FOR FURTHER INFORMATION CONTACT:

Ellen Bohon, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

#### SUPPLEMENTARY INFORMATION:

On February 15, 2013, the Binational Panel issued an Order granting a joint motion filed by the Investigating Authority (U.S. Department of Commerce) and the Complainant (ThyssenKrupp Mexinox S.A. de C.V. and Mexinox USA, Inc.) to dismiss the panel review concerning the Department of Commerce's final determination concerning Stainless Steel Sheet and Strip in Coils from Mexico. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if no request for an Extraordinary Challenge Committee was filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the *Article 1904 Panel Rules*, the Panel Review was

completed and the panelists were discharged from their duties effective March 18, 2013.

Dated: March 18, 2013.

**Ellen M. Bohon,**

*United States Secretary, NAFTA Secretariat.*

[FR Doc. 2013-06577 Filed 3-21-13; 8:45 am]

BILLING CODE 3510-GT-P

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

RIN 0648-XC544

##### Marine Mammals; File No. 17941

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Brian Skerry, 285 High Street, Uxbridge, MA 01569, has applied in due form for a permit to conduct commercial or educational photography on bottlenose (*Tursiops truncatus*) and spinner (*Stenella longirostris*) dolphins.

**DATES:** Written, telefaxed, or email comments must be received on or before April 22, 2013.

**ADDRESSES:** These documents are available upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376;

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.