

## Background

On June 28, 2013, the Department initiated an administrative review of the antidumping duty order on polyester staple fiber from Korea for the period May 1, 2012, through April 30, 2013,<sup>1</sup> based on requests by Petitioners and Huvis Corporation (Huvis).<sup>2</sup> Petitioners requested a review of Huvis and Woongjin Chemical Company, Ltd. (Woongjin), and Huvis requested a review of itself. Petitioners withdrew their request for an administrative review of Woongjin on July 8, 2013, and of Huvis on July 17, 2013. Huvis withdrew its own request for review on July 23, 2013.

## Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication of the notice of initiation of the requested review. In this case, Petitioners and Huvis withdrew their respective requests within the 90-day deadline, and no other parties requested an administrative review of the antidumping duty order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding the administrative review of the antidumping duty order on polyester staple fiber from Korea covering the period May 1, 2012, through April 30, 2013, in its entirety.

## Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all entries of polyester staple fiber from Korea. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

## Notifications

This notice also serves as a final 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 presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or 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 that is subject to sanction.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: August 14, 2013.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## 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 Decision of Panel.

**SUMMARY:** On August 6, 2013, the NAFTA Chapter 19 binational panel issued its decision in the review of the final results of the 2008–2009 antidumping administrative review made by the U.S. Department of Commerce, with respect to Light-Walled Rectangular Pipe and Tube from Mexico, NAFTA Secretariat File Number USA–MEX–2011–1904–02. The panel affirmed the U.S. Department of Commerce’s Final Determination regarding this matter. Copies of the panel’s decision are available from the U.S. Section of the NAFTA Secretariat.

**FOR FURTHER INFORMATION CONTACT:**

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

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade

Agreement (“Agreement”) establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews (“Rules”). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

**Panel Decision:** On December 5, 2012, the binational panel affirmed in part and remanded in part the matter of Light-Walled Rectangular Pipe and Tube from Mexico (NAFTA Secretariat File Number USA–MEX–2011–1904–02). The panel remanded to the U.S. Department of Commerce to provide a thorough explanation of its interpretation of 19 U.S.C. 1677 (35) to apply “zeroing” methodology in connection with administrative reviews, but not in antidumping investigations. The panel directed Commerce to provide such explanation within 90 days of the date of issue of the panel’s order. (March 5, 2013) On March 4, 2013, the Department of Commerce issued in response its Final Results of Redetermination Pursuant to the Remand. The Complainant, Maquilacero, filed its Comments on the Remand Results on May 1, 2013, and the Department of Commerce filed its related Response on June 17, 2013. On August 6, 2013, in accordance with Article 1904.8 of NAFTA, and for reasons set out in the panel’s written decision and related Order, the panel affirmed the March 4, 2013, Final Results of Redetermination Pursuant to Remand of the Department of Commerce.

Dated: August 6, 2013.

**Ellen M. Bohon,**

*U.S. Secretary, NAFTA Secretariat.*

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 78 FR 38924, 38925 (June 28, 2013).

<sup>2</sup> Petitioners are DAK Americas LLC and Auriga Polymers, Inc.