

conduct a formal scope inquiry in this case because the scope of the original antidumping order was unclear, and (2) exceeded its authority under 19 CFR 351.225(l)(2) by ordering the suspension of liquidation retroactive to the beginning of the period of review when the order did not clearly cover LWS manufactured in the PRC from imported fabrics.<sup>15</sup>

#### Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC 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 CAFC’s December 13, 2013, judgment in *AMS II* constitutes a final decision of that court that is not in harmony with the *AR2 Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, as instructed, the Department will lift the suspension of liquidation of the entries at issue.

#### Amended Final Results

Because there is now a final court decision, we are amending the *AR2 Final Results* to reflect the results of the litigation. The revised effective date of the Department’s country of origin determination is now the publication date of the final results of the first administrative review, March 18, 2011.<sup>16</sup> Accordingly, the Department will instruct CBP to liquidate entries of LWS produced in the PRC from imported fabric that were entered, or withdrawn from warehouse, for consumption, before March 18, 2011 without regard to duties.<sup>17</sup> The Department will release the draft instructions to interested parties prior to transmission of these instructions to CBP.

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

Dated: May 14, 2014.

#### Ronald K. Lorentzen,

*Acting Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2014–11693 Filed 5–19–14; 8:45 am]

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<sup>15</sup> See *AMS II*, 737 F.3d at 1344.

<sup>16</sup> See *AR1 Final Results*, 76 FR at 14906.

<sup>17</sup> See *AMS II*, 737 F.3d at 1344 (affirming a remand to lift the liquidation suspension for the entries which were the subject of the *AMS* litigation).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–351–841]

#### Polyethylene Terephthalate Film, Sheet, and Strip From Brazil: Rescission of Antidumping Duty Administrative Review; 2012–2013

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

**SUMMARY:** The Department of Commerce (the Department) is rescinding the administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET film) from Brazil for the period November 1, 2012 through October 31, 2013.

**DATES:** *Effective Date:* May 20, 2014.

**FOR FURTHER INFORMATION CONTACT:** Tyler Weinhold or Robert James, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–1121 or (202) 482–0649, respectively.

**SUPPLEMENTARY INFORMATION:** On December 30, 2013, based on a timely request by DuPont Teijin Films, Mitsubishi Polyester Film, Inc. and SKC, Inc. (collectively, petitioners), the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on PET film from Brazil covering the period November 1, 2012 through October 31, 2013.<sup>1</sup> The review covers one firm, Terphane, Ltda. (Terphane). On March 31, 2014, petitioners withdrew their request for review of Terphane.

#### Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. Petitioners withdrew their request within the 90-day deadline.<sup>2</sup> No other party requested an administrative review of this antidumping duty order. As a result, we are rescinding the administrative review

<sup>1</sup> See *Initiation of Antidumping Duty and Countervailing Duty Administrative Reviews, and Request for Revocation, in Part*, 78 FR 79392 (December 30, 2013).

<sup>2</sup> The 90-day deadline fell on Sunday, March 30, 2014; therefore, petitioners had until the next business day, or Monday, March 31, 2014, to withdraw their request for review.

of PET film from Brazil for the period November 1, 2012 through October 31, 2013.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. 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 publication of this notice.

#### Notifications

This notice 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 Department’s 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, which continues to govern business proprietary information in this segment of the proceeding. 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 which is subject to sanction.

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

Dated: May 13, 2014.

#### Christian Marsh,

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

[FR Doc. 2014–11673 Filed 5–19–14; 8:45 am]

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