The components and materials sourced from abroad include: Splenda sucralose; cobicistate silicon dioxide; metformin; canagliflozin; and darunavir ethanolate API (duty rates range from 86.2 cents/kg to 6.5%). Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board’s Executive Secretary at the address below. The closing period for their receipt is July 1, 2013.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the “Reading Room” section of the FTZ Board’s Web site, which is accessible via www.trade.gov/ftz.

FOR FURTHER INFORMATION CONTACT: Diane Finver at Diane.Finver@trade.gov or (202) 482–1367.

Dated: May 16, 2013.
Andrew McGilvray, Executive Secretary.

DEPARTMENT OF COMMERCE
Foreign-Trade Zones Board
[S–69–2013]

Foreign-Trade Zone 247—Erie, Pennsylvania; Application for Subzone; GE Transportation, Lawrence Park Township, Pennsylvania

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Erie-Western Pennsylvania Port Authority, grantee of FTZ 247, requesting special-purpose subzone status for the facility of GE Transportation, located in Lawrence Park Township, Pennsylvania. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 16, 2013.

The proposed subzone (350 acres) is located at 2901 East Lake Road, Lawrence Park Township, Erie County, Pennsylvania. No production activity has been requested at this time, but the company has indicated that a notification of proposed production activity will be submitted. Any such notifications will be published separately for public comment. The proposed subzone would be subject to the existing activation limit of FTZ 247.

In accordance with the Board’s regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary at the address below. The closing period for their receipt is July 1, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 16, 2013.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the “Reading Room” section of the Board’s Web site, which is accessible via www.trade.gov/ftz.

For further information, contact Elizabeth Whiteman at Elizabeth.Whiteman@trade.gov or (202) 482–0473.

Dated: May 16, 2013.
Andrew McGilvray, Executive Secretary.

DEPARTMENT OF COMMERCE
Foreign-Trade Zones Board
[S–70–2013]

Foreign-Trade Zone 247—Erie, Pennsylvania, Application for Subzone, GE Transportation, Grove City, Pennsylvania

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Erie-Western Pennsylvania Port Authority, grantee of FTZ 247, requesting special-purpose subzone status for the facility of GE Transportation, located in Grove City, Pennsylvania. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on May 16, 2013.

The proposed subzone (49 acres) is located at 1503 West Main Street Ext., Grove City, Mercer County, Pennsylvania. No production activity has been requested at this time, but the
company has indicated that a notification of proposed production activity will be submitted. Any such notifications will be published separately for public comment. The proposed subzone would be subject to the existing activation limit of FTZ 247.

In accordance with the Board’s regulations, Elizabeth Whiteman of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board’s Executive Secretary at the address below. The closing period for their receipt is July 1, 2013. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to July 16, 2013. A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20237–0002, and in the “Reading Room” section of the Board’s Web site, which is accessible via www.trade.gov/ftz.

For further information, contact Elizabeth Whiteman at Elizabetb.whiteman@trade.gov or (202) 482–0473.

Dated: May 16, 2013.

Andrew McGillvary,
Executive Secretary.

[FR Doc. 2013–12221 Filed 5–21–13; 8:45 am]

BILLING CODE 3510–05–P

DEPARTMENT OF COMMERCE

International Trade Administration


Stainless Steel Plate in Coils From Belgium, South Africa, and Taiwan: Notice of the Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

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

SUMMARY: On September 7, 2012, the United States Court of Appeals for the Federal Circuit (CAFC) issued a decision not in harmony with the final determination of the Department of Commerce (the Department) that stainless steel plate in coils (SSPC) from Belgium, South Africa, and Taiwan with a nominal thickness of 4.75 millimeters (mm), but an actual thickness of less than 4.75 mm is subject to the AD and CVD Orders on SSPC.1 On March 26, 2013, the United States Court of International Trade (CIT) sustained the Department’s results of redetermination issued in accordance with the CAFC’s decision in ArcelorMittal.2 Those results of redetermination found that SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the AD and CVD Orders on SSPC.3 Consistent with the CAFC’s decision 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 CAFC judgment in this case is not in harmony with the Department’s final determination and is amending its Final Scope Ruling concerning SSPC with a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm, is subject to the AD and CVD Orders.4

In the Department’s final redetermination, the CIT, in an Order dated July 18, 2010, issued a final scope ruling that applies to all such orders.5 That final scope ruling has come to be known as the “Final CIT Scope Ruling.” The Final CIT Scope Ruling provides that the description of the merchandise subject to the AD and CVD Orders includes a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm, is subject to the AD and CVD Orders.6

In a decision issued on February 15, 2013, the United States Court of Federal Claims (CFCA) issued a determination of the Department of Commerce that stainless steel plate in coils from Belgium, South Africa, and Taiwan is subject to the AD and CVD Orders on SSPC.7

Having found the scope language ambiguous as to whether it covers SSPC with a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm, is subject to the AD and CVD Orders, the CIT remanded the Final Scope Ruling to the Department to reconsider whether SSPC with a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm, is subject to the AD and CVD Orders.8

In remanding the case, the Court directed the Department to apply 19 CFR 351.225, in conjunction with the decisions of the CAFC in Dufurco Inc. v. United States, 296 F.3d 1087 (Fed. Cir. 2002), and Tak Fat Trading Co. v. United States, 396 F.3d 1378 (Fed. Cir. 2005).9

On remand, the Department re-examined the language of the scope and, based in part upon interpreting the language in the context of the SSPC industry, determined it to be ambiguous as to whether it covers SSPC with a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm. Having found the scope language ambiguous, the Department then analyzed the criteria specified by 19 CFR 351.225(k)(1), i.e., “descriptions of the merchandise contained in the petition, the initial investigation, and the determinations of the Secretary (including prior scope determinations) and the International Trade


2. For example, the CAFC determined that the language of the scope in Court No. 08–00434 (U & A) was ambiguous. See ArcelorMittal Stainless Belgium N.V. v. United States, 64 FR 25288 (May 11, 1999); Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan, 64 FR 27756 (May 21, 1999); Notice of Amended Antidumping Duty Orders: Stainless Steel Plate in Coils From Belgium, Italy and South Africa, 64 FR 25288 (May 11, 1999); Antidumping Duty Orders: Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan, 64 FR 27756 (May 21, 1999); Notice of Amended Antidumping Duty Orders: Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan, 68 FR 11520 (March 11, 2003); and Notice of Amended Countervailing Duty Orders: Certain Stainless Steel Plate in Coils From Belgium, Canada, Italy, the Republic of Korea, South Africa, and Taiwan, 68 FR 11524 (March 11, 2003) (collectively, AD and CVD Orders). The antidumping orders on SSPC from India and South Korea and the countervailing duty order on Belgium were revoked effective August 31, 2011, November 16, 2011, and July 18, 2010, respectively. See Stainless Steel Plate in Coils From India: Revocation of Antidumping Duty Order, 76 FR 54207 (August 31, 2011); Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Revocation of the Antidumping Duty Order on Stainless Steel Plate in Coils From the Republic of Korea; and Partial Revocation of the Antidumping Duty Order on Stainless Steel Sheet and Strip in Coils From the Republic of Korea, 76 FR 74771 (December 1, 2011); Stainless Steel Plate in Coils From Belgium: Final Results of Full Sunset Review and Revocation of the Countervailing Duty Order, 76 FR 25666 (May 9, 2011).


5. For example, the Final CIT Scope Ruling concluded that the description of the merchandise subject to the AD and CVD Orders includes a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm, is subject to the AD and CVD Orders. See Stainless Steel Plate in Coils From Belgium: Final Scope Ruling, dated December 3, 2008 (Final Scope Ruling).

6. The Final CIT Scope Ruling has come to be known as the “Final CIT Scope Ruling.”

7. For example, the Final CIT Scope Ruling found that the description of the merchandise subject to the AD and CVD Orders includes a nominal thickness of 4.75 mm, but an actual thickness of less than 4.75 mm, is subject to the AD and CVD Orders.

8. See Final Scope Ruling at 13–14.


10. See id. at 1–2.

11. See Final Results of Redetermination Pursuant to Remand, dated July 29, 2010 (First Remand Redetermination), at 5–8, 16–17.