

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the Port of Corpus Christi Authority, grantee of Foreign-Trade Zone 122, submitted an application to the Board (FTZ Docket B-15-2013, docketed 02/20/2013) for authority to reorganize under the ASF with a service area of Nueces, San Patricio, Aransas, Jim Wells, Kleberg and Bee Counties, Texas, within and adjacent to the Corpus Christi Customs and Border Protection port of entry, and FTZ 122's existing Site 1 would be categorized as a magnet site, existing Sites 3, 7 and 8 would be categorized as usage-driven sites, and existing Site 4 would be removed from the zone;

Whereas, notice inviting public comment was given in the **Federal Register** (78 FR 13015-13016, 02/26/2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to reorganize FTZ 122 under the ASF is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, to the Board's standard 2,000-acre activation limit for the zone, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Sites 3, 7 and 8 if no foreign-status merchandise is admitted for a *bona fide* customs purpose by July 31, 2016.

Signed at Washington, DC, this 16th day of July 2013.

**Paul Piquado,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

**Andrew McGilvray,**

*Executive Secretary.*

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**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

**In the Matter of: Orville L. Parker, Jr., 2647 W. Walton Street, Chicago, IL 60622, Respondent; Order Relating to Orville L. Parker, Jr.**

The Bureau of Industry and Security, U.S. Department of Commerce ("BIS"), has notified Orville L. Parker, Jr., of

Chicago, Illinois ("Parker"), of its intention to initiate an administrative proceeding against Parker pursuant to Section 766.3 of the Export Administration Regulations (the "Regulations"),<sup>1</sup> and Section 13(c) of the Export Administration Act of 1979, as amended (the "Act"),<sup>2</sup> through the issuance of a Proposed Charging Letter to Parker that alleges that Parker committed two violations of the Regulations. Specifically, the charges are:

**Charge 1 15 CFR 764.2(a): Engaging in Prohibited Conduct by Exporting a Thermal Imaging Camera Without the Required License**

On or about February 29, 2008, Parker engaged in conduct prohibited by the Regulations by exporting a thermal imaging camera, an item subject to the Regulations, classified under Export Control Classification Number ("ECCN") 6A003.b.4, controlled for Regional Stability reasons, and valued at approximately \$4,050, from the United States to Germany without the Department of Commerce license required by Section 742.6(a)(1) of the Regulations. Parker stole the thermal imaging camera from his then-employer and subsequently advertised and then sold the item on eBay. In order to avoid detection by law enforcement, Parker intentionally used someone else's email address when he listed the item for sale on eBay while also falsely listing that the thermal imaging camera was physically located in Orlando, Florida. To further conceal his activities, Parker intentionally undervalued the thermal imaging camera at the time of export to avoid filing a Shipper's Export Declaration with the United States Government. In so doing, Parker committed one violation of Section 764.2(a) of the Regulations.

**Charge 2 15 CFR 764.2(a): Engaging in Prohibited Conduct by Failing To File a Shipper's Export Declaration or Automated Export Systems Record**

On or about February 29, 2008, in connection with the unlicensed export transaction described in Charge 1 above, Parker engaged in conduct prohibited by the Regulations when he failed to file a Shipper's Export Declaration ("SED") or Automated Export System ("AES") record with the U.S. Government. Pursuant to Section 758.1(b)(3)

<sup>1</sup> The Regulations are currently codified in the Code of Federal Regulations at 15 CFR parts 730-774 (2013). The charged violations occurred in 2008. The Regulations governing the violations at issue are found in the 2008 version of the Code of Federal Regulations (15 CFR parts 730-774). The 2013 Regulations set forth the procedures that apply to this matter.

<sup>2</sup> 50 U.S.C. app. §§ 2401-2420 (2000). Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp. 783 (2002)), which has been extended by successive Presidential Notices, the most recent being that of August 15, 2012 (77 FR 49699 (Aug. 16, 2012)), has continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701, *et seq.*) (2006 & Supp. IV 2010).

of the Regulations, an SED or AES record must be filed with the U.S. Government for all exports of commodities subject to the Regulations when the value of the commodity is over \$2,500. Additionally, Section 758.1(b)(2) requires the filing of a SED or AES record for all exports subject to the Regulations that require submission of a license application, regardless of value or destination. Based on his experience filling out shipping air waybills Parker was aware that an SED or AES record was required for exports valued at over \$2,500. Parker also knew the thermal imaging camera, which he had previously stolen from his then-employer, was valued at approximately \$4,050. In order to avoid detection by law enforcement Parker intentionally undervalued the item to \$2,400 in an attempt to avoid the SED/AES record filing requirement.

By failing to file the required SED or AES record, Parker committed one violation of Section 764.2(a) of the Regulations.

Whereas, BIS and Parker have entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations, whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein; and

Whereas, I have approved of the terms of such Settlement Agreement;

*It is therefore ordered:*

First, that for a period of ten (10) years from the date of this Order, Orville L. Parker, Jr., with a last known address of 2647 W. Walton Street, Chicago, IL 60622, and when acting for or on his behalf, his successors, assigns, representatives, agents, or employees (hereinafter collectively referred to as "Denied Person"), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as "item") exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

*Second*, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the Denied Person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the Denied Person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the Denied Person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the Denied Person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the Denied Person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the Denied Person, or service any item, of whatever origin, that is owned, possessed or controlled by the Denied Person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the Denied Person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of the Order.

*Fourth*, that the Proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

*Fifth*, that this Order shall be served on Parker, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Issued: July 9, 2013.

**David W. Mills,**

*Assistant Secretary of Commerce for Export Enforcement.*

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**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-849]

#### **Certain Cut-to-Length Carbon Steel Plate From the People's Republic of China: Preliminary Results of Antidumping Administrative Review; 2011-2012**

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

**DATES:** *Effective Date:* July 24, 2013.

**SUMMARY:** The Department of Commerce ("Department") is conducting an administrative review of the antidumping duty order on certain cut-to-length carbon steel plate ("CTL plate") from the People's Republic of China ("PRC") for the period of review ("POR") November 1, 2011, through October 31, 2012. This review covers three PRC companies.<sup>1</sup> The Department preliminarily finds Hunan Valin did not have reviewable transactions during the POR. Further, the Department preliminarily finds that the other two respondents, Baosteel and Shanghai Pudong, did not establish their eligibility for separate rate status and, thus, are part of the PRC-wide entity.

**FOR FURTHER INFORMATION CONTACT:** Jeff Pedersen, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2769.

#### **SUPPLEMENTARY INFORMATION:**

##### **Scope of the Order**

The product covered by the order is certain cut-to-length carbon steel plate from the PRC.<sup>2</sup> This merchandise is

<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 77 FR 77017 (December 31, 2012). The companies under review are as follows: Hunan Valin Xiangtan Iron & Steel Co., Ltd. ("Hunan Valin"), Shanghai Pudong Iron and Steel Co. ("Shanghai Pudong"), and the company grouping Bao/Baoshan Iron and Steel Corp., Baoshan International Trade Corp. and Bao Steel Metals Trading Corp. ("Baosteel").

<sup>2</sup> See Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China issued concurrently with this notice for a complete description of the Scope of the Order ("Preliminary Results Decision Memorandum").

currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") under item numbers 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7212.40.5000, 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

#### **Methodology**

The Department has conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended ("the Act"). For a full description of the methodology underlying our conclusions, see Preliminary Results Decision Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Import Administration, dated concurrently with these results and hereby adopted by this notice. This memorandum is a public document and is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS"). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Results Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Results Decision Memorandum and the electronic versions of the Preliminary Results Decision Memorandum are identical in content.

#### **Preliminary Results of Review**

The Department preliminarily determines that Hunan Valin did not have reviewable transactions during the POR and that Baosteel and Shanghai Pudong, did not establish their eligibility for separate rate status and, thus, are part of the PRC-wide entity.

#### **Disclosure and Public Comment**

Interested parties are invited to comment on the preliminary results and may submit case briefs and/or written comments within 30 days of the date of publication of this notice, pursuant to 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to issues raised in the case briefs, will be due five days after the due date for case briefs, pursuant to 19 CFR 351.309(d). Parties who submit