

I have decided to deny Greenoe's export privileges under the Regulations for a period of 10 years from the date of Greenoe's conviction. I have also decided to revoke all licenses issued pursuant to the Act or Regulations in which Greenoe had an interest at the time of her conviction.

*Accordingly, it is hereby ordered*

I. Until January 10, 2022, Steven Neal Greenoe, with last known addresses at: Currently incarcerated at: Inmate #54450-056, USP Atlanta, U.S. Penitentiary, P.O. Box 1150160, Atlanta, GA, and 8933 Windjammer Drive, Raleigh, NC 27615, and when acting for or on behalf of Greenoe, his representatives, assigns, agents or employees (the "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, 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.

II. 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.

III. After notice and opportunity for comment as provided in Section 766.23 of the Regulations, any other person, firm, corporation, or business organization related to Greenoe by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order if necessary to prevent evasion of the Order.

IV. This Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

V. This Order is effective immediately and shall remain in effect until January 10, 2022.

VI. In accordance with Part 756 of the Regulations, Greenoe may file an appeal of this Order with the Under Secretary of Commerce for Industry and Security. The appeal must be filed within 45 days from the date of this Order and must comply with the provisions of Part 756 of the Regulations.

VII. A copy of this Order shall be delivered to the Greenoe. This Order shall be published in the **Federal Register**.

Issued this 27th day of July 2012.

**Bernard Kritzer,**

*Director, Office of Exporter Services.*

[FR Doc. 2012-19101 Filed 8-3-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-909]

#### Steel Nails From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

**SUMMARY:** On July 25, 2012, the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("Department") results of redetermination, which construed the scope of the *Order*<sup>1</sup> as including steel nails found within Target Corporation's toolkits from the People's Republic of China ("PRC"), pursuant to the CIT's remand order in *Mid Continent Nail Corp. v. United States*, Slip Op. 12-31, Court No. 10-00247 (March 7, 2012) ("*Mid Continent II*"). See May 14, 2012 "Final Results of Second Remand Redetermination Pursuant To Remand Order" (second remand redetermination); *Mid Continent Nail Corp. v. United States*, Slip Op. 12-97, Court No. 10-00247 (July 25, 2012) ("*Mid Continent III*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") 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 judgment in this case is not in harmony with the Department's final scope ruling and is amending its final scope ruling on certain steel nails from the PRC contained within toolkits. See Final Scope Ruling: Certain Steel Nails from the People's Republic of China, Request by Target Corporation, Memorandum from James C. Doyle, Director Office 9, to Edward C. Yang, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, dated August 10, 2010 ("Final Scope Ruling").

**DATES:** *Effective Date:* August 4, 2012.

**FOR FURTHER INFORMATION CONTACT:** Jamie Blair-Walker, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2615.

**SUPPLEMENTARY INFORMATION:** On August 10, 2010, the Department issued a final scope ruling on toolkits from the PRC

<sup>1</sup> Notice of Antidumping Duty Order: Certain Steel Nails from the People's Republic of China, 73 FR 44961 (August 1, 2008) ("*Order*").

imported by Target Corporation. *See* Final Scope Ruling. In the Final Scope Ruling, the Department found that steel nails within Target's toolkits from the PRC were not covered by the *Order* because the toolkits themselves did not meet the description of subject merchandise. *See* Final Scope Ruling.

In *Mid Continent Nail Corp. v. United States*, 770 F. Supp. 2d 1372 (CIT 2011) ("*Mid Continent I*"), the CIT remanded the Final Scope Ruling to Commerce to articulate a test it would apply consistently to determine the proper focus of a mixed-media scope ruling and to identify its legal authority to do so. *See Mid Continent I*, 770 F. Supp. 2d at 1383. Commerce then issued a remand redetermination finding that, pursuant to a mixed-media analysis, the toolkits were not subject to the *Order*. *See Final Results of Redetermination Pursuant to Remand Order in Mid Continent Nail Corporation v. United States and Target Corporation*, dated October 17, 2011 (first remand redetermination).

In *Mid Continent II*, the CIT again remanded to Commerce, ordering the Department to issue a scope determination that construes the scope of the *Order* as including the steel nails found within Target Corporation's toolkits. *See Mid Continent II*, at 11. On May 14, 2012, the Department issued its second remand redetermination pursuant to *Mid Continent II*. Pursuant to the remand order in *Mid Continent II*, under protest, we construed the scope of the *Order* as including the steel nails found within toolkits, including those imported by Target Corporation. The CIT sustained the Department's remand redetermination on July 25, 2012. *See Mid Continent III*.

#### Timken Notice

In its decision in *Timken*, 893 F.2d at 341, as clarified by *Diamond Sawblades*, the CAFC has 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 CIT's July 25, 2012, judgment sustaining the Department's second remand redetermination construing the scope of the *Order* as including the steel nails found within toolkits (including those imported by Target Corporation), constitutes a final decision of that court that is not in harmony with the Department's Final Scope Ruling. This notice is published in fulfillment of the publication requirements of *Timken*.

#### Amended Final Scope Ruling

Because there is now a final court decision with respect to steel nails found within Target Corporation's toolkits from the PRC, the Department amends its final scope ruling and now finds that the scope of the *Order* includes steel nails found within toolkits, including those imported by Target Corporation. Accordingly, the Department will issue revised instructions to U.S. Customs and Border Protection if the Court's decision is not appealed or if it is affirmed on appeal.

This notice is issued and published in accordance with sections 516A(c)(1) of the Tariff Act of 1930, as amended.

Dated: August 1, 2012.

**Paul Piquado,**

*Assistant Secretary for Import Administration.*

[FR Doc. 2012-19298 Filed 8-3-12; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-533-824]

#### Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results of Antidumping Duty Administrative Review

**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 polyethylene terephthalate film, sheet, and strip (PET Film) from India. This review covers three respondents, Jindal Poly Films Ltd (Jindal), Polyplex Corporation Ltd. (Polyplex), and SRF Limited (SRF), producers and exporters of PET Film from India. The Department preliminarily determines that Jindal and Polyplex did not make sales of PET Film from India at below normal value (NV) during the July 1, 2010, through June 30, 2011, period of review (POR). The preliminary results are listed below in the section titled "Preliminary Results of Review." Interested parties are invited to comment on these preliminary results.

**DATES:** *Effective Date:* August 6, 2012.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum, or Toni Page, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230;

telephone: (202) 482-0197 or (202) 482-1398, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 1, 2002, the Department published in the **Federal Register** the antidumping duty order on PET Film from India.<sup>1</sup> On July 1, 2011, the Department published a notice of opportunity to request an administrative review of the order.<sup>2</sup> In response, the Department received a timely request from Petitioners<sup>3</sup> for an antidumping administrative review of five companies: Ester Industries Limited (Ester); Garware Polyester Ltd. (Garware); Jindal; Polyplex; and SRF. The Department also received timely requests for an antidumping review from Vacmet India Ltd. (Vacmet) and Polypacks Industries of India (Polypacks). On August 26, 2011, the Department published a notice of initiation of administrative review with respect to Ester, Garware, Jindal, Polyplex, SRF, Vacmet, and Polypacks.<sup>4</sup> On August 23, 2011, Vacmet and Polypacks withdrew their requests for a review. The Department published a rescission, in part, of the antidumping administrative review with respect to Vacmet and Polypacks on September 20, 2011.<sup>5</sup> On September 1, 2011, the Department placed U.S. Customs and Border Protection (CBP) data covering the POR on the record of this review.<sup>6</sup> On October 21, 2011, the Department selected Jindal and Polyplex as the two

<sup>1</sup> *See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 FR 44175 (July 1, 2002).

<sup>2</sup> *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 76 FR 38609 (July 1, 2011).

<sup>3</sup> Petitioners are DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc.

<sup>4</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 76 FR 53404 (August 26, 2011).

<sup>5</sup> *See Polyethylene Terephthalate Film, Sheet and Strip From India: Rescission, In Part, of Antidumping Duty Administrative Review*, 76 FR 58244 (September 20, 2011).

<sup>6</sup> *See Memorandum to All Interested Parties*, from Toni Page: Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: U.S. Customs Entries, dated September 1, 2011. Effective August 2011, public documents and public versions of proprietary Departmental memoranda referenced in this notice are on file electronically on Import Administration's Antidumping and Countervailing Duty Centralized Electronic Services System (IA ACCESS), accessible via the Central Records Unit, Room 7046 of the main Commerce building and on the Web at <http://ia.ita.doc.gov/frn/>.