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.

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

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–423–808, A–791–805, C–791–806, A–583–830]

Stainless Steel Plate in Coils From Belgium, South Africa, and Taiwan: Notice of Court 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.[4]

DATES: *Effective Date:* September 17, 2012.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office 8, Import Administration—International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–3965.

SUPPLEMENTARY INFORMATION: Having received a scope inquiry request from ArcelorMittal Stainless Belgium N.V. (AMS Belgium),[5] the Department, on December 3, 2008, issued its Final Scope Ruling in which it relied upon 19 CFR 351.225(k)(2) to determine that SSPC with a nominal thickness of 4.75mm, but with an actual thickness less than 4.75mm, is included within the scope of the *AD and CVD Orders*.[6]

Following a request for a voluntary remand, 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*.[7] In remanding the case, the Court directed the Department to apply 19 CFR 351.225, in conjunction with the decisions of the CAFC in *Duferco 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).[8]

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.[9] 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

[1] *See ArcelorMittal Stainless Belgium N.V.* v. *United States,* 694 F.3d 82 (Fed. Cir. 2012) (*ArcelorMittal*). Because the description of the scopes in the multiple SSPC orders is identical and given the nature of the inquiry, the Department has considered it appropriate pursuant to 19 CFR 351.225(m) to conduct a single inquiry and issue a single scope ruling that applies to all such orders. *See Notice of Amended Final Determinations: Stainless Steel Plate in Coils from Belgium and South Africa; and Notice of Countervailing 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, Italy, and South Africa,* 68 FR 11524 (March 11, 2003) (collectively, *AD and CVD Orders*). The antidumping orders on SSPC from Italy 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 Italy: 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 5, 2011).

[2] *See ArcelorMittal Stainless Belgium N.V.* v. *United States,* Court No. 08–00434 (Ct. Int'l Trade Mar. 26, 2013) (memorandum and order) (*Final CIT Order*).

[3] *See* Results of Redetermination Pursuant to Remand, dated February 15, 2013 (Second Remand Redetermination).

[4] *See* Stainless Steel Plate in Coils from Belgium: Final Scope Ruling, dated December 3, 2008 (Final Scope Ruling).

[5] Formerly known as Ugine & ALZ Belgium N.V. (U&A) and currently known as Aperam Stainless Belgium A.V.

[6] *See* Final Scope Ruling at 13–14.

[7] *See ArcelorMittal Stainless Belgium N.V.* v. *United States,* Court No. 08–00434 (Ct. Int'l Trade Mar. 30, 2010) (remand order).

[8] *See id.* at 1–2.

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

Commission},'' and found those to be non-dispositive as well.[10] The Department thus reincorporated its earlier analysis under 19 CFR 351.225(k)(2) to conclude that SSPC with a nominal thickness greater than or equal to 4.75 mm regardless of the actual thickness is included within the scope of the *AD and CVD Orders.*[11]

On July 12, 2011, the CIT sustained the Department's First Remand Redetermination.[12] AMS Belgium appealed the CIT's final judgment to the CAFC.

On September 7, 2012, the CAFC reversed the CIT's judgment. The CAFC concluded that substantial evidence did not support the Department's determination that the language of the SSPC orders is ambiguous and held that ''the plain meaning of the orders regarding the 4.75 mm thickness is a reference to actual thickness of products subject to the orders.'' [13]

On January 4, 2013, the CIT issued a remand order directing the Department to take action in accordance with the CAFC's decision in *ArcelorMittal* and to find that SSPC with an actual thickness of less than 4.75 mm is outside the scope of the *AD and CVD Orders.*[14] Pursuant to that order, the Department construed the scope of the *AD and CVD Orders* so that SSPC from Belgium with an actual thickness of less than 4.75 mm is not subject to the *AD and CVD Orders* on SSPC, regardless of its nominal thickness.[15] The CIT sustained the Department's remand redetermination on March 26, 2013.[16]

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 Tariff Act of 1930, as amended (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 September 7, 2012, judgment in *ArcelorMittal* 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 SSPC with an actual thickness of less than 4.75 mm, the Department amends its Final Scope Ruling and now finds that the scope of the *AD and CVD Orders* excludes SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness. Accordingly, the Department will issue revised instructions to U.S. Customs and Border Protection.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: May 14, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

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[10] *See id.* at 8–12, 22–24.

[11] *See id.* at 25.

[12] *See ArcelorMittal Stainless Belg. N.V.* v. *United States,* Court No. 08–00434, Slip Op. 11–82 (Ct. Int'l Trade July 12, 2011).

[13] *See ArcelorMittal,* 694 F.3d at 88–90.

[14] *See ArcelorMittal Stainless Belgium N.V.* v. *United States,* Court No. 08–00434 (Ct. Int'l Trade Jan. 4, 2013) (remand order).

[15] *See* Second Remand Determination at 6–7, 10.

[16] *See Final CIT Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–838]

Certain Frozen Warmwater Shrimp from Brazil: Notice of Rescission of Antidumping Duty Administrative Review; 2012–2013

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

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Rebecca Trainor, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–4007, respectively.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 2013, the Department of Commerce (the Department) published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on certain frozen warmwater shrimp from Brazil for the period of review (POR) of February 1, 2012, through January 31, 2013.[1] The Department received a timely request from the Ad Hoc Shrimp Trade Action Committee (Domestic Producers) in accordance with 19 CFR 351.213(b), for an administrative review of the antidumping duty order on certain frozen warmwater shrimp from Brazil. On March 29, 2013, the Department published a notice of initiation of an administrative review of the antidumping duty order on certain frozen warmwater shrimp from Brazil with respect to two companies.[2]

The Department stated in its initiation of this review that it intended to rely on U.S. Customs and Border Protection (CBP) data to select respondents.[3] However, our review of the CBP database, with respect to the companies for which this review was requested, showed no entries of subject merchandise during the POR.[4] We released the results of our CBP data query to the Domestic Producers, the only interested party to this segment of the proceeding, and invited them to comment on the CBP data. We received no comments on the CBP data.

On April 4, 2013, we sent a ''No Shipments Inquiry'' to CBP to confirm that there were no shipments or entries of subject merchandise during the POR from the companies subject to review. We received no information from CBP to contradict the results of our data query.

On April 29, 2013, we stated that because information from CBP indicates that there were no entries of subject merchandise during the POR from the companies covered by this review, we intend to rescind this review.[5] We invited parties to comment on our intent to rescind this administrative review. We did not receive comments from any interested party.

Rescission of Review

Section 351.213(d)(3) of the Department's regulations stipulates that the Secretary may rescind an administrative review if there were no entries, exports, or sales of the subject merchandise during the POR. As there were no entries, exports, or sales of the subject merchandise during the POR, we are rescinding this review of the antidumping duty order on certain frozen warmwater shrimp from Brazil pursuant to 19 CFR 351.213(d)(3). We intend to issue assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 78 FR 7397 (February 1, 2013).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 78 FR 19197 (March 29, 2013).

[3] *See id.*

[4] *See* April 3, 2013, Memorandum to the File entitled ''Release of Customs and Border Protection (CBP) Data.''

[5] *See* April 29, 2013, Memorandum to James Maeder, Director, Office 2, AD/CVD Operations, entitled ''Intent to Rescind Administrative Review.''