

ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order. FOURTH, that this Order does not prohibit any export, reexport, or other transaction subject to the EAR where the only items involved that are subject to the EAR are the foreign-produced direct product of U.S.-origin technology.

In accordance with the provisions of Sections 766.24(e) of the EAR, Mahan Airways and/or Zarand Aviation may, at any time, appeal this Order by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022. In accordance with the provisions of Sections 766.23(c)(2) and 766.24(e)(3) of the EAR, Gatewick LLC, Mahmoud Amini, Kosarian Fard, Kerman Aviation, Sirjanco Trading LLC, Ali Eslamian, Mahan Air General Trading LLC, Skyco (UK) Ltd., Equipco (UK) Ltd., and/or Medhi Bahrami may, at any time, appeal their inclusion as a related person by filing a full written statement in support of the appeal with the Office of the Administrative Law Judge, U.S. Coast Guard ALJ Docketing Center, 40 South Gay Street, Baltimore, Maryland 21202-4022.

In accordance with the provisions of Section 766.24(d) of the EAR, BIS may seek renewal of this Order by filing a written request not later than 20 days before the expiration date. A renewal request may be opposed by Mahan Airways and/or Zarand Aviation as provided in Section 766.24(d), by filing a written submission with the Assistant Secretary of Commerce for Export Enforcement, which must be received not later than seven days before the expiration date of the Order.

A copy of this Order shall be provided to Mahan Airways, Zarand Aviation and each related person and shall be published in the **Federal Register**. This Order is effective immediately and shall remain in effect for 180 days.

Dated: February 4, 2013.

David W. Mills,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 2013-02867 Filed 2-7-13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-924]

Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review Pursuant to Court Decision

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

SUMMARY: On January 24, 2013 the United States Court of International Trade ("CIT") sustained the Department of Commerce's ("the Department") results of redetermination, pursuant to the CIT's remand order, in *Fuwei Films (Shandong) Co., Ltd. v. United States*, Slip Op. 13-10 (CIT 2013).¹

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 *PET Film Final Results*² and is amending the final results with respect to Fuwei Films (Shandong) Co., Ltd. and Shaoxing Xiangyu Green Packing Co., Ltd.

DATES: *Effective Date:* (February 4, 2013)³.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC, 20230; telephone: (202) 482-3518.

SUPPLEMENTARY INFORMATION:

¹ See Final Results of Redetermination Pursuant to Court Remand, Court No. 11-00061, dated October 15, 2012, available at: <http://ia.ita.doc.gov/remands> ("*PET Film Final Remand*"); see also *Fuwei Films (Shandong) Co., Ltd. v. United States*, Consol. Court No. 11-00061, Slip Op. 12-69 (CIT 2012) ("*Remand Opinion and Order*").

² See Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Final Results of the First Antidumping Duty Administrative Review, 76 FR 9753 (February 22, 2011) ("*PET Film Final Results*").

³ Because the deadline, February 3, 2013, falls on a Sunday, the deadline is postponed until the next business day. See Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended, 70 FR 24533 (May 10, 2005).

Background

On June 1, 2012, the CIT remanded three issues with respect to the *PET Film Final Results*, two of which the Department requested for voluntary remand.⁴ Specifically, the CIT held that: (1) The Department must correct Shaoxing Xiangyu Green Packing Co. Ltd.'s ("Green Packing") per unit water and electricity costs; (2) the Department must reconsider the surrogate value ("SV") for labor expenses; and (3) the Department must clarify or reconsider the SV for polyethylene terephthalate ("PET") chips.

Pursuant to the CIT's remand instructions, the Department re-examined record evidence and made the following changes. First, the Department revised its calculation of Green Packing's reported per-unit water and electricity consumption. To correct the error, the Department has assigned Green Packing's reported electricity factor to the calculated water input, and Green Packing's reported water factor to the calculated electricity input, in the calculation of Green Packing's cost of production.

Next, the Department revised its calculation for the labor SV in accordance with *Labor Methodologies* by using the reported 2008 ILO Chapter 6A data provided under the International Standard Industrial Classification Revision.3-D standard, the most contemporaneous Chapter 6A data that were available at the time the Department conducted the underlying review.⁵

Finally, the Department revised its calculation of the PET chip input SV by using import data exclusively from Indian harmonized tariff schedule category 3907.60.10.

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 CIT's January 24, 2013, judgment sustaining the *PET Film Final Remand* constitutes a final decision of that court that is not in harmony with the *PET Film Final Results*. This notice is published in fulfillment of the

⁴ See *Remand Opinion and Order*.

⁵ See *Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor*, 76 FR 36092 (June 21, 2011) ("*Labor Methodologies*").

publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. The cash deposit rate will remain the company-specific rate established for the subsequent and most recent period during which each respondent was reviewed.

Amended Final Determination

Because there is now a final court decision with respect to the *PET Film Final Results*, the revised dumping margins are as follows:

Exporter	Weighted-average margin (percent)
Fuwei Films (Shandong) Co., Ltd	0.27
Shaoxing Xiangyu Green Packing Co., Ltd	0.00

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

Dated: February 4, 2013.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2013-02911 Filed 2-7-13; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Certain Pasta From Italy: Notice of Final Results of 15th Antidumping Duty Administrative Review, Final No Shipment Determination and Revocation of Order, in Part; 2010–2011

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 certain pasta from Italy. The period of review (POR) is July 1, 2010, through June 30, 2011. The review covers two mandatory respondents, Pastificio Attilio Mastromauro Granoro S.r.L. (Granoro), and Rummo S.p.A. Molino e Pastificio and its affiliates (Rummo), and five non-selected companies.¹ Based on our

analysis of the comments received, we have made certain changes in the margin calculations from the preliminary results for Rummo and its affiliates. We have made no changes with respect to Granoro. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled “Final Results of Review.”

DATES: *Effective Date:* February 8, 2013.

FOR FURTHER INFORMATION CONTACT:

Stephanie Moore (Granoro) or George McMahon (Rummo), 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) 482–3692 or (202) 482–1167, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 3, 2012, the Department published the preliminary results of the 2010–2011 administrative review of the antidumping duty order on certain pasta from Italy.² On October 26, 2012, Rummo and Granoro submitted a case brief. On November 5, 2012, the petitioners submitted a rebuttal brief with respect to Rummo. On December 26, 2012, the Department issued a targeted dumping post-preliminary analysis and invited interested parties to comment.³ On January 7, 2013, Rummo filed comments regarding the Department’s post-preliminary analysis. On January 10, 2013, the petitioners filed a rebuttal comments to Rummo’s post-preliminary comments. We received no comments regarding the post-preliminary analysis with respect to Granoro.

Scope of the Order⁴

Imports covered by the order are shipments of certain non-egg dry pasta.

S.r.L. (Fiamma), Industria Alimentare Filiberto Bianconi 1947 S.p.A. (Filiberto), Pastificio Fratelli Cellino, S.r.l. (Cellino), and Pastificio Zaffiri (Zaffiri).

² See *Certain Pasta from Italy: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 77 FR 46377 (August 3, 2012) (*Preliminary Results*).

³ See Memorandum to Lynn Fischer Fox, Deputy Assistant Secretary for Policy and Negotiations from Gary Taverman, Senior Advisor for Antidumping and Countervailing Duty Operations, titled 2010/2011 Review of the Antidumping Duty Order on Certain Pasta from Italy: Post-Preliminary Analysis (Post-Preliminary Analysis) dated December 26, 2012.

⁴ For a complete description, including the exclusions to the scope, see *Preliminary Results*. On October 10, 2012, the Department revised the “Scope of the Order” to recognize the EU-authorized Italian agents for purposes of the antidumping and countervailing duty orders on

The merchandise subject to review is currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the “Issues and Decision Memorandum for the Final Results of the 15th Administrative Review of the Antidumping Duty Order on Certain Pasta from Italy; 2010–2011,” from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations to Paul Piquado, Assistant Secretary for Import Administration, (Issues and Decision Memorandum), dated concurrently with this notice and which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix. The Issues and Decision 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 in the Central Records Unit, main Commerce Building, Room 7046. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The signed Issues and Decision Memorandum and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received for Rummo, we have recalculated Rummo’s weighted-average dumping margin. Rummo’s adjustments are discussed in detail in the accompanying final calculation memorandum.⁵ As a result of the aforementioned recalculation of Rummo’s rate and as we have excluded

pasta from Italy. See Memorandum from Yasmin Nair to Susan Kuhbach, titled “Recognition of EU Organic Certifying Agents for Certifying Organic Pasta from Italy,” dated October 10, 2012, which is on file in the Department’s CRU. We have adopted this scope decision in this current administrative review of certain pasta from Italy.

⁵ See Memorandum to the File titled “Calculation Memorandum for Rummo S.p.A. Molino e Pastificio and its affiliates (Rummo) for the Final Results of the 15th Administrative Review of Certain Pasta from Italy,” dated February 1, 2013.

¹ The non-selected companies are: Botticelli Mediterraneo S.a.r.l. (Botticelli), Fiamma Vesuviana