

audiotape, etc.) should contact *FAS-ReasonableAccommodation@usda.gov* or Felice Robinson (Senior Reasonable Accommodations Specialist), *Felice.Robinson@usda.gov*.

**Daniel Whitley,**

*Administrator, Foreign Agricultural Service.*

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B-38-2022]

#### Foreign-Trade Zone (FTZ) 45—Portland, Oregon, Authorization of Production Activity, Epson Portland Inc. (Inkjet Ink Printer Bottles (Empty and Filled) For Retail Sale), Hillsboro, Oregon

On August 23, 2022, Epson Portland Inc., submitted a notification of proposed production activity to the FTZ Board for its facility within Subzone 45F, in Hillsboro, Oregon.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (87 FR 53456–53457, August 31, 2022). On December 21, 2022, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: December 21, 2022.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2022-28135 Filed 12-23-22; 8:45 am]

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Washington, DC 20230; Nordwind Airlines, Leningradskaya str., Building 25, office 27. 28, Moscow Region, Khimki city, 141402, Russia

#### Order Renewing Temporary Denial of Export Privileges

Pursuant to Section 766.24 of the Export Administration Regulations, 15 CFR parts 730–774 (2021) (“EAR” or “the Regulations”),<sup>1</sup> I hereby grant the

<sup>1</sup> On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which

request of the Office of Export Enforcement (“OEE”) to renew the temporary denial order (“TDO”) issued in this matter on June 24, 2022. I find that renewal of this order is necessary in the public interest to prevent an imminent violation of the Regulations.

#### I. Procedural History

On June 24, 2022, I signed an order denying the export privileges of Nordwind Airlines (“Nordwind”) for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order was issued *ex parte* pursuant to Section 766.24(a) of the Regulations and was effective upon issuance.<sup>2</sup>

On December 1, 2022, BIS, through OEE, submitted a written request for renewal of the TDO that issued on June 24, 2022. The written request was made more than 20 days before the TDO's scheduled expiration. A copy of the renewal request was sent to Nordwind in accordance with Sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received.

#### II. Renewal of the TDO

##### A. Legal Standard

Pursuant to Section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an “imminent violation” of the Regulations, or any order, license or authorization issued thereunder. 15 CFR 766.24(b)(1) and 766.24(d). “A violation may be ‘imminent’ either in time or degree of likelihood.” 15 CFR 766.24(b)(3). BIS may show “either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future

includes the Export Control Reform Act of 2018, 50 U.S.C. 4801–4852 (“ECRA”). While Section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. App. § 2401 *et seq.* (“EAA”), (except for three sections which are inapplicable here), Section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* (“IEEPA”), and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, Section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

<sup>2</sup> The TDO was published in the **Federal Register** on June 29, 2022 (87 FR 38704).

violations.” *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge “is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]” *Id.* A “lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient reason to believe the likelihood of a violation.” *Id.*

##### B. The TDO and BIS's Request for Renewal

The U.S. Commerce Department, through BIS, responded to the Russian Federation's (“Russia's”) further invasion of Ukraine by implementing a sweeping series of stringent export controls that severely restrict Russia's access to technologies and other items that it needs to sustain its aggressive military capabilities. These controls primarily target Russia's defense, aerospace, and maritime sectors and are intended to cut off Russia's access to vital technological inputs, atrophy key sectors of its industrial base, and undercut Russia's strategic ambitions to exert influence on the world stage. Effective February 24, 2022, BIS imposed expansive controls on aviation-related (*e.g.*, Commerce Control List Categories 7 and 9) items to Russia, including a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number (ECCN) 9A991 (Section 746.8(a)(1) of the EAR).<sup>3</sup> BIS will review any export or reexport license applications for such items under a policy of denial. *See* Section 746.8(b). Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft (AVS) (Section 740.15 of the EAR).<sup>4</sup> Accordingly, any U.S.-origin aircraft or foreign aircraft that includes more than 25% controlled U.S.-origin content, and that is registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia, is subject to a license

<sup>3</sup> 87 FR 12226 (Mar. 3, 2022). Additionally, BIS published a final rule effective April 8, 2022, which imposed licensing requirements on items controlled on the Commerce Control List (“CCL”) under Categories 0–2 that are destined for Russia or Belarus. Accordingly, now all CCL items require export, reexport, and transfer (in-country) licenses if destined for or within Russia or Belarus. 87 FR 22130 (Apr. 14, 2022).

<sup>4</sup> 87 FR 13048 (Mar. 8, 2022).

requirement before it can travel to Russia.

OEE's request for renewal is based upon the facts underlying the issuance of the initial TDO and the evidence developed over the course of this investigation, which indicate a blatant disregard for U.S. export controls, as well as the TDO. Specifically, the initial TDO, issued on June 24, 2022, was based on evidence that Nordwind engaged in conduct prohibited by the

Regulations by operating multiple aircraft subject to the EAR and classified under ECCN 9A991.b on flights into Russia after March 2, 2022 from destinations including, but not limited to, Yerevan, Armenia, Istanbul, Turkey, and Sharm el-Sheikh, Egypt, without the required BIS authorization.<sup>5</sup>

In its December 1, 2022, request for renewal of the TDO, BIS has submitted evidence that Nordwind continues to operate in violation of the June 24, 2022

TDO and/or the Regulations by operating aircraft subject to the EAR and classified under ECCN 9A991.b. Specifically, BIS's evidence and related investigation indicates that after the issuance of the TDO, Nordwind continued to fly aircraft into Russia in violation of the EAR, including flights from Hurghada, Egypt, Sharm el-Sheikh, Egypt, and Bokhtar, Tajikistan. Information about those flights includes, but is not limited to, the following:

Tail No.	Serial No.	Aircraft type	Departure/arrival cities	Dates
RA-73313	35700	737-82R (B738)	Bokhtar, TJ/Moscow, RU .....	November 29, 2022.
RA-73313	35700	737-82R (B738)	Hurghada, EG/Kazan, RU .....	December 2, 2022.
RA-73313	35700	737-82R (B738)	Hurghada, EG/Perm, RU .....	December 3, 2022.
RA-73313	35700	737-82R (B738)	Hurghada, EG/Kazan, RU .....	December 5, 2022.
RA-73313	35700	737-82R (B738)	Hurghada, EG/Yekaterinburg, RU .....	December 8, 2022.
RA-73317	40874	737-82R (B738)	Hurghada, EG/Kazan, RU .....	November 26, 2022.
RA-73317	40874	737-82R (B738)	Hurghada, EG/Yekaterinburg, RU .....	November 30, 2022.
RA-73317	40874	737-82R (B738)	Hurghada, EG/Chelyabinsk, RU .....	December 1, 2022.
RA-73317	40874	737-82R (B738)	Hurghada, EG/Moscow, RU .....	December 2, 2022.
RA-73319	42059	737-8SH (B738)	Hurghada, EG/Moscow, RU .....	November 30, 2022.
RA-73319	42059	737-8SH (B738)	Bokhtar, TJ/Moscow, RU .....	December 1, 2022.
RA-73319	42059	737-8SH (B738)	Bokhtar, TJ/Moscow, RU .....	December 2, 2022.
RA-73319	42059	737-8SH (B738)	Sharm el-Sheikh, EG/Orenberg, RU .....	December 3, 2022.
RA-73319	42059	737-8SH (B738)	Hurghada, EG/Moscow, RU .....	December 6, 2022.

### III. Findings

Under the applicable standard set forth in Section 766.24 of the Regulations and my review of the entire record, I find that the evidence presented by BIS convincingly demonstrates that Nordwind has acted in violation of the Regulations and the TDO; that such violations have been significant, deliberate and covert; and that given the foregoing and the nature of the matters under investigation, there is a likelihood of imminent violations. Therefore, renewal of the TDO is necessary in the public interest to prevent imminent violation of the Regulations and to give notice to companies and individuals in the United States and abroad that they should avoid dealing with Nordwind, in connection with export and reexport transactions involving items subject to the Regulations and in connection with any other activity subject to the Regulations.

### IV. Order

*It is therefore ordered:*

First Nordwind Airlines, Leningradskaya str., building 25, office 27. 28, Moscow region, Khimki city, 141402, Russia, when acting for or on their behalf, any successors or assigns, agents, or employees 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 EAR, or in any other activity subject to the EAR including, but not limited to:

A. Applying for, obtaining, or using any license (except directly related to safety of flight), 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 EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations, or engaging in any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of 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 EAR, or from any other activity subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations.

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

A. Export, reexport, or transfer (in-country) to or on behalf of Nordwind any item subject to the EAR except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by Nordwind of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby Nordwind acquires or attempts to acquire such ownership, possession or control except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from Nordwind of any item subject to the EAR that has been exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations;

D. Obtain from Nordwind in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations; or

<sup>5</sup> Publicly available flight tracking information shows, for example, that on March 7, 2022, serial

number ("SN") 40874 flew from Yerevan, Armenia to Kazan, Russia; SN 40233 flew from Istanbul,

Turkey to Kazan, Russia; and SN 40236 flew from Sharm el-Sheikh, Egypt to Moscow, Russia.

E. Engage in any transaction to service any item subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by Nordwind, or service any item, of whatever origin, that is owned, possessed or controlled by Nordwind if such service involves the use of any item subject to the EAR that has been or will be exported from the United States except directly related to safety of flight and authorized by BIS pursuant to Section 764.3(a)(2) of the Regulations. 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 EAR, any other person, firm, corporation, or business organization related to Nordwind by ownership, control, position of responsibility, affiliation, or other connection in the conduct of trade or business may also be made subject to the provisions of this Order.

In accordance with the provisions of Sections 766.24(e) of the EAR, Nordwind 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 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 Nordwind 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 Nordwind and shall be published in the **Federal Register**.

This Order is effective immediately and shall remain in effect for 180 days.

**Matthew S. Axelrod,**

*Assistant Secretary of Commerce for Export Enforcement.*

[FR Doc. 2022-28029 Filed 12-23-22; 8:45 am]

**BILLING CODE 3510-DT-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-523-813]

#### **Polyethylene Terephthalate Sheet From the Sultanate of Oman: Preliminary Results of Changed Circumstances Review and Intent To Revoke the Antidumping Duty Order**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** On November 18, 2022, the U.S. Department of Commerce (Commerce) initiated a changed circumstances review (CCR) of the antidumping duty order on polyethylene terephthalate (PET) sheet from the Sultanate of Oman (Oman). We preliminarily determine that revocation of the order is warranted. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable December 27, 2022.

**FOR FURTHER INFORMATION CONTACT:** Brittany Bauer, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3860.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On September 10, 2020, Commerce published the antidumping duty order on PET sheet from Oman.<sup>1</sup> On October 26, 2022, the petitioners<sup>2</sup> (*i.e.*, domestic producers of subject merchandise) requested, through a CCR, revocation of the *Order*, pursuant to section 751(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.222(g)(1).<sup>3</sup> Commerce published the notice of initiation of the CCR on November 18, 2022.<sup>4</sup> Because the petitioners did not indicate whether they account for substantially all of the domestic production of PET sheet, in the *Initiation Notice* we invited interested parties to submit comments regarding industry support for the potential revocation, as well as

<sup>1</sup> See *Polyethylene Terephthalate Sheet from the Republic of Korea and the Sultanate of Oman: Antidumping Duty Orders*, 85 FR 55824 (September 10, 2020) (*Order*).

<sup>2</sup> The petitioners are Advanced Extrusion, Inc., Good Natured Products, IL dba Ex-Tech Inc., and Multi-Plastics Extrusions, Inc.

<sup>3</sup> See Petitioners' Letter, "Request for a 'No Interest' Changed Circumstances Review and Revocation of the Order," dated October 26, 2022.

<sup>4</sup> See *Polyethylene Terephthalate Sheet from the Sultanate of Oman: Notice of Initiation of Changed Circumstances Review and Consideration of Revocation of the Antidumping Duty Order*, 87 FR 69252 (November 18, 2022) (*Initiation Notice*).

comments and/or factual information regarding the CCR.

On November 22, 2022, OCTAL Extrusion Corporation (OCTAL Extrusion), a U.S. producer of PET sheet, submitted comments in support of the revocation of the *Order*.<sup>5</sup> We received no further comments on the *Initiation Notice*.

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

The merchandise covered by the *Order* is raw, pretreated, or primed polyethylene terephthalate sheet, whether extruded or coextruded, in nominal thicknesses of equal to or greater than 7 mil (0.007 inches or 177.8 µm) and not exceeding 45 mil (0.045 inches or 1143 µm) (PET sheet). The scope includes all PET sheet whether made from prime (virgin) inputs or recycled inputs, as well as any blends thereof. The scope includes all PET sheet meeting the above specifications regardless of width, color, surface treatment, coating, lamination, or other surface finish.

The merchandise subject to the *Order* is properly classified under statistical reporting subheading 3920.62.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope is dispositive.

##### **Preliminary Results of the Changed Circumstances Review and Intent To Revoke the Order**

Pursuant to section 751(d)(1) of the Act, and 19 CFR 351.222(g), Commerce may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.*, a CCR). Section 751(b)(1) of the Act requires a CCR to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives Commerce the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. Section 351.222(g) of Commerce's regulations provides that Commerce will conduct a CCR under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that: (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or

<sup>5</sup> See OCTAL Extrusion's Letter, "OCTAL Extrusion's Comments Supporting Revocation of AD Order," dated November 22, 2022 (OCTAL Extrusion's Letter).