

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board****[Docket 7-2009]****Foreign-Trade Zone 57 - Mecklenburg County, NC, Application for Subzone Status, FMS Enterprises USA, Inc. (Para-Aramid UD Shield)**

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the North Carolina Department of Commerce, grantee of FTZ 57, requesting special-purpose subzone status for the para-aramid UD shield manufacturing plant of FMS Enterprises USA, Inc. (FMS), located in Lincolnton, North Carolina. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 20, 2009.

The FMS facility (40 employees/23 acres/57,600 sq.ft.) is located at 2001 Kawai Road in Lincolnton, North Carolina. The plant is used to produce para-aramid UD shield tape (up to 3 million pounds per year) for export and the domestic market. The manufacturing process involves layering and bonding of para-aramid fibers under heat and pressure to create finished composite shield tape. Foreign-origin para-aramid fiber (HTSUS 5402.11, duty rate: 8.8%) is used as the primary production input, which represents up to 75 percent of finished product value.

FTZ procedures would exempt FMS from customs duty payments on the foreign para-aramid fiber used in export production (about 25% of annual shipments). On domestic shipments, the company could be able to elect the duty rate that applies to finished para-aramid UD shield tape (duty free) for the foreign material input noted above. The application indicates that the savings from FTZ procedures would help improve the facility's international competitiveness. In accordance with the Board's regulations, Pierre Duy of the FTZ Staff is designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the following address: Office of the Executive Secretary, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002. The closing period for receipt of comments is April 28, 2009. Rebuttal comments in response to material submitted during the foregoing

period may be submitted during the subsequent 15-day period to May 13, 2009.

A copy of the application will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at the address listed above and in the "Reading Room" section of the Board's website, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Pierre Duy at: [pierre\\_duy@ita.doc.gov](mailto:pierre_duy@ita.doc.gov), or (202) 482-1378.

Dated: February 20, 2009.

**Andrew McGilvray,**

*Executive Secretary.*

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**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE****International Trade Administration****A-549-807****Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand: Final Results of Changed-Circumstances Antidumping Duty Review**

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

**SUMMARY:** The Department of Commerce (the Department) has determined, pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), that Awaji Materia (Thailand) Co., Ltd. is the successor-in-interest to Awaji Sangyo (Thailand) Co., Ltd. (AST) and, as a result, should be accorded the same treatment previously accorded to AST with respect to the antidumping duty order on certain carbon steel butt-weld pipe fittings from Thailand.

**EFFECTIVE DATE:** February 27, 2009.

**FOR FURTHER INFORMATION CONTACT:**

Kristin Case or Minoo Hatten, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3174 and (202) 482-1690, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On July 6, 1992, the Department published an antidumping duty order on pipe fittings from Thailand in which it stated that AST was excluded from the order due to its de minimis margin in the less-than-fair-value investigation. See *Antidumping Duty Order; Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand*, 57 FR

29702 (July 6, 1992); see also *Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from Thailand*, 57 FR 21065 (May 18, 1992).<sup>1</sup> On November 18, 2008, the Department received a request for a changed-circumstances review of this order from AMT to determine if, for purposes of the antidumping law, AMT is the successor-in-interest to AST. On January 14, 2009, the Department published the notice of initiation for this changed-circumstances review and preliminarily found that AMT is the successor-in-interest to AST and should be treated as such for antidumping purposes. See *Notice of Initiation and Preliminary Results of Changed-Circumstances Antidumping Duty Review: Certain Carbon Steel Butt-Weld Pipe Fittings From Thailand*, 74 FR 2048 (January 14, 2009) (*Preliminary Results*). We invited interested parties to comment on the preliminary results. We received comments from AMT and Silbo Industries, Inc.<sup>2</sup>

**Scope of the Order**

The scope of the order covers certain pipe fittings from Thailand. They are defined as carbon steel butt-weld pipe fittings, having an inside diameter of less than 14 inches, imported in either finished or unfinished form. These formed or forged pipe fittings are used to join sections in piping systems where conditions require permanent, welded connections, as distinguished from fittings based on other fastening methods (e.g., threaded, grooved, or bolted fittings). These imports are currently classifiable under subheading 7307.93.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description remains dispositive as to the scope of the order.

**Analysis of Comment Received**

The issue raised in the case briefs by parties in this review are addressed in the Issues and Decision Memorandum from John M. Andersen, Acting Deputy

<sup>1</sup> As observed in the November 18, 2008, request from AMT, exports of subject merchandise of AST were also the subject of a subsequent investigation in which the International Trade Commission concluded that the exports did not result in the material injury or threat of material injury to the U.S. industry or in material retardation of the establishment of an industry in the United States. See *Certain Carbon Steel Butt-Weld Pipe Fittings From France, India, Israel, Malaysia, The Republic of Korea, Thailand, The United Kingdom, and Venezuela*, 60 FR 18611 (April 12, 1995).

<sup>2</sup> Silbo Industries Inc. is an importer of certain carbon steel butt-weld pipe fittings produced by AMT.

Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated February 20, 2009 (Decision Memo), which is hereby adopted by this notice. The Decision Memo, which is a public document, is on file in the Central Records Unit, main Department of Commerce building, Room 1117, and is accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memo are identical in content.

#### Final Results of Changed-Circumstances Review

For the reasons stated in the Preliminary Results, we continue to find that AMT is the successor-in-interest to AST. We will apply this determination retroactively and will instruct U.S. Customs and Border Protection (CBP) to liquidate, without regard to antidumping duties, all unliquidated entries entered, or withdrawn from warehouse, for consumption on or after August 1, 2006, the date of AST's name change to AMT. See *Stainless Steel Wire Rod from Italy: Notice of Final Results of Changed Circumstances Antidumping Duty Review*, 71 FR 24643, 24644 (April 26, 2006); see also *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Final Results of Changed-Circumstances Antidumping and Countervailing Duty Administrative Review*, 64 FR 66880, 66881 (Nov. 30, 1999).

#### Notification

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Act and 19 CFR 351.216 and 351.221.

Dated: February 20, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### Appendix

##### 1. Application of the Final Results Retroactively

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**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[Application No. 08-00009]

#### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review to Golden Tree Trading Company Application (Application No. 08-00009).

**SUMMARY:** On February 18, 2009, the U.S. Department of Commerce issued an Export Trade Certificate of Review to Golden Tree Trading Company ("GTTC"). This notice summarizes the conduct for which certification has been granted.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, by telephone at (202) 482-5131 (this is not a toll-free number) or e-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2006).

Export Trading Company Affairs ("ETCA") is issuing this notice pursuant to 15 CFR section 325.6(b), which requires the Secretary of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

#### Description of Certified Conduct

GTTC is certified to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets.

##### I. Export Trade

##### 1. Products

All Products.

##### 2. Services

All Services.

##### 3. Technology Rights

Technology rights that relate to Products and Services, including, but not limited to, patents, trademarks, copyrights, and trade secrets.

##### 4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Export Trade Facilitation Services, including, but not limited to, professional services in the areas of government relations and assistance with state and federal programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping; export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation services; and facilitating the formation of shippers' associations.

#### II. Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

#### III. Export Trade Activities and Methods of Operation

1. With respect to the export of Products and Services, licensing of Technology Rights and provision of Export Trade Facilitation Services, GTTC, subject to the terms and conditions listed below, may:

a. Provide and/or arrange for the provisions of Export Trade Facilitation Services and engage in promotional and marketing activities;

b. Collect information on trade opportunities in the Export Markets and distribute such information to clients;

c. Enter into exclusive and/or non-exclusive licensing and/or sales agreements with Suppliers for the export of Products, Services, and/or Technology Rights to Export Markets;

d. Enter into exclusive and/or non-exclusive agreements with distributors and/or sales representatives in Export Markets;

e. Allocate export sales or divide Export Markets among Suppliers for the