

**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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**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 Mino 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.