

7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive. Specifically excluded from subject merchandise within the scope of the order is grade X-70 steel plate.

#### **Merchandise Subject to the Minor Alterations Antidumping Circumvention Proceeding**

The merchandise subject to this antidumping circumvention inquiry (inquiry merchandise) consists of all merchandise produced by Tianjin and/or imported by Toyota Tsusho containing 0.0008 percent or more boron, by weight, and otherwise meeting the requirements of the scope of the antidumping duty order as listed under the "Scope of the Order" section above, with the exception of merchandise meeting all of the following requirements: aluminum level of 0.02 percent or greater, by weight; a ratio of 3.4 to 1 or greater, by weight, of titanium to nitrogen; and a hardenability test (*i.e.*, Jominy test) result indicating a boron factor of 1.8 or greater. This merchandise is currently classified in the HTSUS under item numbers 7225.40.3050, 7225.99.0090, 7226.91.5000, and 7226.99.0180. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of inquiry merchandise is dispositive.

#### **Affirmative Final Determination of Circumvention**

The Department conducted this circumvention inquiry in accordance with section 781(c) of the Tariff Act of 1930, as amended (the Act), which deals with minor alterations of merchandise. The Department noted in the *Preliminary Determination* the criteria typically used by the Department to make determinations in such inquiries (*i.e.*, the overall physical characteristics of the merchandise, the expectations of the ultimate users, the use of the merchandise, the channels of marketing and the cost of any modification relative to the total value of the imported products). See *Preliminary Determination* at 33992.

As noted in the *Preliminary Determination*, Toyota Tsusho failed to respond to the Department's questionnaire, thus warranting a preliminary determination, pursuant to sections 776(a) and (b) of the Act, that imports from the People's Republic of China of inquiry merchandise imported by Toyota Tsusho, regardless of the producer or exporter of the

merchandise, and otherwise meeting the description of in-scope merchandise, are within the class or kind of merchandise subject to the antidumping duty order on certain cut-to-length carbon steel plate from the People's Republic of China. See *Preliminary Determination* at 33993.

With respect to Tianjin, the Department analyzed the information provided by Tianjin in its questionnaire responses following the aforementioned criteria normally used in minor alteration circumvention inquiries, as well as an additional case-specific criterion (*i.e.*, alteration of export tariff and VAT refund rates by the government of the People's Republic of China), and preliminarily determined that imports from the People's Republic of China of inquiry merchandise produced by Tianjin and otherwise meeting the description of in-scope merchandise are within the class or kind of merchandise subject to the antidumping duty order on certain cut-to-length carbon steel plate from the People's Republic of China. See *Preliminary Determination* at 33993.

Because no parties commented on the Department's preliminary determination, and no reasons exist to reverse that determination, the Department determines that inquiry merchandise produced by Tianjin and/or imported by Toyota Tsusho is within the class or kind of merchandise subject to the antidumping duty order on certain cut-to-length carbon steel plate from the People's Republic of China.

#### **Continuation of Suspension of Liquidation**

In accordance with 19 CFR 351.225(l)(3), we are directing CBP to continue to suspend liquidation of inquiry merchandise entered, or withdrawn from warehouse, for consumption on or after October 20, 2008, the date of the publication of the *Initiation Notice*. We will also instruct CBP to continue to require a cash deposit of estimated duties at the applicable rates for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after October 20, 2008, the date of the publication of the *Initiation Notice*, in accordance with 19 CFR 351.225(l)(3).<sup>1</sup>

<sup>1</sup> In the *Preliminary Determination* the Department inadvertently stated that the requirement of cash deposits applied for entries of the product entered, or withdrawn from warehouse, for consumption on or after October 10, 2008. However, the publication of the *Preliminary Determination* was on October 20, 2008, and that is the effective date for both suspension of liquidation and requirement of cash deposits for the merchandise in question.

#### **Notice to Parties**

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

This affirmative final circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

Dated: August 6, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

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## **DEPARTMENT OF COMMERCE**

### **Foreign-Trade Zones Board**

[Docket 33-2009]

#### **Foreign-Trade Zone 274—Butte-Silver Bow, MT; Application for Reorganization under Alternative Site Framework**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the City and County of Butte-Silver Bow, Montana, grantee of FTZ 274, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 01/12/09; correction 74 FR 3987, 01/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to 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 August 4, 2009.

The grantee's proposed service area under the ASF would be the City and County of Butte-Silver Bow, Montana. If approved, the grantee would be able to serve sites throughout the service area

based on companies' needs for FTZ designation. The proposed service area is adjacent to the Butte-Silver Bow Customs and Border Protection port of entry.

FTZ 274 was approved on June 4, 2009 (74 FR 31009, 6/29/09). The applicant is requesting to include its current site in the reorganized zone as a "magnet" site. The applicant proposes that Site 1 be exempt from "sunset" time limits that otherwise apply to sites under the ASF. No usage-driven sites are being proposed at this time.

In accordance with the Board's regulations, Kathleen Boyce of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations 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 address below. The closing period for their receipt is October 13, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to October 26, 2009).

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, 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 <http://www.trade.gov/ftz>. For further information, contact Kathleen Boyce at [Kathleen\\_Boyce@ita.doc.gov](mailto:Kathleen_Boyce@ita.doc.gov) or 202-482-1346.

Dated: August 4, 2009.

**Andrew McGilvray,**  
*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 32-2009]

#### Foreign-Trade Zone 74—Baltimore, MD Application for Subzone Status Tulkoff Food Products, Inc. (Dehydrated Garlic)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Baltimore, grantee of FTZ 74, requesting special-purpose subzone status for the garlic products manufacturing plant of Tulkoff Foods

Products, Inc. (TFP), located in Baltimore, Maryland. 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 August 3, 2009.

The TFP facility (56 employees/6 acres/258,226 sq. ft.) is located at 2301 Chesapeake Avenue in Baltimore, Maryland. The manufacturing plant is used to produce packaged wet garlic (up to 3 million pounds annually) for industrial and commercial food service use. The manufacturing process involves foreign-origin bulk dehydrated garlic (HTSUS 0712.90, duty rate: 29.8%) which is rehydrated with water then packaged in jars, tubs, and pails. The rehydrated garlic (HTSUS 2005.91) is sold to U.S. wholesale customers and exported.

FTZ procedures could exempt TFP from customs duty payments on the foreign dehydrated garlic used in export production (about 1% of annual shipments). On domestic shipments, the company would be able to elect the duty rate that applies to finished rehydrated garlic (11.2%) for the foreign bulk dehydrated garlic. TFP would also be exempt from duty payments on any foreign garlic that becomes waste during the production process. 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 evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations 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 October 13, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 26, 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 Web site, which is accessible via <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: August 3, 2009.

**Andrew McGilvray,**  
*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-946]

#### Prestressed Concrete Steel Wire Strand From the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation

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

**DATES:** *Effective Date:* August 12, 2009.

**FOR FURTHER INFORMATION CONTACT:**  
Robert Copyak, AD/CVD Operations,  
Office 3, Import Administration,  
International Trade Administration,  
U.S. Department of Commerce, 14th  
Street and Constitution Avenue, NW.,  
Washington, DC 20230; telephone 202-  
482-2209.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 23, 2009, the Department of Commerce (the Department) initiated the countervailing duty investigation of prestressed concrete steel wire strand from the People's Republic of China. *See Prestressed Concrete Steel Wire Strand From the People's Republic of China: Initiation of Countervailing Duty Investigation* 74 FR 29670 (June 23, 2009).

##### *Postponement of Due Date for Preliminary Determination*

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the preliminary determination in a countervailing duty investigation within 65 days after the date on which the Department initiated the investigation. However, the Department may postpone making the preliminary determination until no later than 130 days after the date on which the administering authority initiated the investigation if, pursuant to section 703(c)(1)(B) of the Act, the Department concludes that the parties concerned in the investigation are cooperating and determines that the investigation is extraordinarily complicated and that "additional time is necessary to make the preliminary determination."