

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Order No. 1817]

#### Reorganization/Expansion of Foreign-Trade Zone 77 Under Alternative Site Framework Memphis, Tennessee Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Board adopted the alternative site framework (ASF) (74 FR 1170, 01/12/2009; correction 74 FR 3987, 01/22/2009; 75 FR 71069–71070, 11/22/2010) as an option for the establishment or reorganization of general-purpose zones;

Whereas, the City of Memphis, grantee of Foreign-Trade Zone 77, submitted an application to the Board (FTZ Docket 51–2011, filed 08/03/11) for authority to reorganize and expand under the ASF with a service area of Shelby County, Tennessee, within the Memphis U.S. Customs and Border Protection port of entry, and FTZ 77's existing Site 4 and proposed Site 10 would be categorized as magnet sites, while Sites 1, 2, 3, 5, 6, 7, 8, 9, 11 and 12 would be categorized as usage-driven sites;

Whereas, notice inviting public comment was given in the **Federal Register** (76 FR 48121, 08/08/2011) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to reorganize and expand FTZ 77 under the alternative

site framework is approved, subject to the FTZ Act and the Board's regulations, including Section 400.28, to the Board's standard 2,000-acre activation limit for the overall general-purpose zone project, to a five-year ASF sunset provision for magnet sites that would terminate authority for Site 4 if not activated by February 28, 2017, and to a three-year ASF sunset provision for usage-driven sites that would terminate authority for Sites 1, 2, 3, 5, 6, 7, 8, 9, 11 and 12 if no foreign-status merchandise is admitted for a *bona fide* customs purpose by February 28, 2015.

Signed at Washington, DC, this 29th day of February 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2012–5914 Filed 3–9–12; 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: Final Results of the 2009–2010 Antidumping Duty Administrative Review of the Antidumping Duty Order

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

**SUMMARY:** On November 3, 2011, the Department of Commerce (“the Department”) published the preliminary results in the 2009–2010 antidumping duty administrative review of polyethylene terephthalate film, sheet, and strip (“PET film”) from the People's Republic of China (“PRC”).<sup>1</sup> The period of review (“POR”) is November 1, 2009, through October 31, 2010. We have determined that sales have been made below normal value (“NV”) by certain companies subject to this review. We invited interested parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we made changes to our margin

<sup>1</sup> See Polyethylene Terephthalate Film, Sheet, and Strip From the People's Republic of China: Preliminary Results of the 2009–2010 Antidumping Duty Administrative Review, 76 FR 68140 (November 3, 2011) (“Preliminary Results”).

calculations for Tianjin Wanhua Co., Ltd. (“Wanhua”) and Sichuan Dongfang Insulating Material Co., Ltd.

(“Dongfang”) (collectively, “Respondents”). The final dumping margins for this review are listed in the “Final Results Margins” section below.

**DATES:** *Effective Date:* March 12, 2012.

**FOR FURTHER INFORMATION CONTACT:**

Thomas Martin and Jonathan Hill, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3936, and (202) 482–3518, respectively.

### Background

On November 3, 2011, the Department published its *Preliminary Results* in the antidumping duty administrative review of PET film from the People's Republic of China.<sup>2</sup> On November 28, 2011, DuPont Teijin Films, Mitsubishi Polyester Film, Inc., SKC, Inc., and Toray Plastics (America), Inc. (collectively, “Petitioners”), Wanhua, and Fuwei Films (Shandong) Co., Ltd. (“Fuwei Films”) submitted publicly available surrogate value (“SV”) data. On December 8, 2011, Petitioners<sup>3</sup>, Wanhua, Fuwei Films and Dongfang submitted rebuttal comments regarding the November 28, 2011, submissions. We received case briefs from Petitioners, Wanhua, Fuwei Films and Shaoxing Xiangyu Green Packing Co., Ltd. (jointly “Wanhua et al”), Dongfang, and Bemis Company, Inc. (“Bemis”) on December 14, 2011, and rebuttal briefs on December 21, 2011. On January 12, 2012 the Department held a public hearing.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, “Polyethylene Terephthalate Film, Sheet, and Strip from the People's

<sup>2</sup> See Preliminary Results.

<sup>3</sup> The Department rejected the Petitioners' December 8, 2011, surrogate value rebuttal comments because it contained new surrogate value information. Petitioners removed the material and resubmitted the rebuttal comments on December 16, 2011.

Republic of China: Issues and Decision Memorandum for the Final Results of the 2009–2010 Administrative Review,” dated March 2, 2012 (“Issues and Decision Memorandum”), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. 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”). Access to 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 Internet at <http://www.trade.gov/ia>. The paper copy and electronic versions of the Issues and Decision Memorandum are identical in content.

**Period of Review**

The POR is November 1, 2009, through October 31, 2010.

**Scope of the Order**

The products covered by the order are all gauges of raw, pre-treated, or primed PET film, whether extruded or co-extruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer more than 0.00001 inches thick. Also excluded is roller transport cleaning film which has at least one of its surfaces modified by application of 0.5 micrometers of SBR latex. Tracing and drafting film is also excluded. PET film is classifiable under subheading 3920.62.00.90 of the HTSUS. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

**Changes Since the Preliminary Results**

Based on an analysis of the comments received, the Department has made certain changes in the margin calculation. For the final results, the Department has made the following changes:

- We revised the calculated surrogate overhead, selling, general and administrative expenses, and profit applicable to Respondents using information from the financial statements of JBF Industries Limited, a manufacturer in India of merchandise comparable to the subject merchandise.

- We revised the surrogate valuation of PET scrap sold, applying Indian HTS subheading 3907.60.

**Final Results Margin**

We determine the weighted-average dumping margins for the period November 1, 2009, through October 31, 2010, to be:

**POLYETHYLENE TEREPHTHALATE FILM, SHEET, AND STRIP FROM THE PRC**

Exporter	Weighted-average margin (percentage)
Tianjin Wanhua Co., Ltd .....	8.42
Sichuan Dongfang Insulating Material Co., Ltd .....	10.87
Fuwei Films (Shandong) Co., Ltd .....	8.48
Shaoxing Xiangyu Green Packing Co., Ltd .....	8.48
PRC-wide Entity <sup>4</sup> .....	76.72

**Assessment Rates**

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (“the Act”) and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (“CBP”) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer (or customer)-specific assessment rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer’s)

<sup>4</sup> Shanghai Xishu Electric Material Co., Ltd. and Shanghai Uchem Co., Ltd. are part of the PRC-wide entity.

entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

**Cash Deposit Requirements**

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For Wanhua, Dongfang, Fuwei Films and Shaoxing Xiangyu Green Packing Co., Ltd. (“Green Packing”), the cash deposit rate will be the rate identified in the Final Results Margin section, as listed above; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will continue to be the PRC-wide rate of 76.72 percent;<sup>5</sup> and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. The deposit requirements shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary’s presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of double antidumping duties.

**Notification to Interested Parties**

This notice also serves as a reminder to parties subject to administrative protective orders (“APOs”) of their responsibility concerning the return or

<sup>5</sup> This rate was established in the final results of the original investigation. See Polyethylene Terephthalate Film, Sheet, and Strip from the People’s Republic of China: Final Determination of Sales at Less Than Fair Value, 73 FR 55039 (September 24, 2008).

destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3), 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.

#### Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

We are issuing and publishing the final results and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 2, 2012.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### Appendix I

##### Issues for the Final Results

##### *Surrogate Country Selection and Surrogate Financial Ratios*

Issue 1: Whether the Department should have selected India or Thailand as the Surrogate Country.

Issue 2: Whether the Department should have selected the financial statement of JBF Industries Ltd. to calculate financial ratios.

Issue 3: Whether the Department should have rejected financial statements submitted in its surrogate value rebuttal comments.

##### *Surrogate Values*

Issue 4: Whether the Department should have selected the six-digit subheading 3907.60 to value the Respondents' PET chips.

Issue 5: Whether the Department should require company certifications for surrogate value submissions.

Issue 6: Whether the Department should have selected HTS 3915.10 to value Respondents' scrap offset.

##### *Respondent Selection*

Issue 7: Whether the Department improperly failed to select Fuwei Films and Green Packing as mandatory respondents, and improperly failed to consider the voluntary responses of Fuwei Films and Green Packing.

##### *Separate Rate*

Issue 8: Whether the separate rate assigned to Fuwei Films and Green Packing in the *Preliminary Results* inaccurately overstates the antidumping margin that should be applied to these companies.

##### *Reclaimed PET Chips*

Issue 9: Whether the Department should recalculate the consumption of raw material inputs for Wanhua and Dongfang with respect to reclaimed PET chips.

##### *Wanhua*

Issue 10: Whether the Department should have calculated the consumption of material inputs of Wanhua based on an application of adverse facts available.

##### *Dongfang*

Issue 11: Whether the Department should have adjusted Dongfang's reported electricity and water FOPs.

##### *Zeroing*

Issue 12: Whether the Department should engage in the practice of zeroing.

[FR Doc. 2012-5936 Filed 3-9-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-912]

#### **Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of the 2009-2010 Antidumping Duty Administrative Review and Final Rescission, in Part**

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

**SUMMARY:** On October 7, 2011, the Department of Commerce ("Department") published the preliminary results of the 2009-2010 administrative review of the antidumping duty order on certain new pneumatic off-the-road tires ("OTR tires") from the People's Republic of China ("PRC").<sup>1</sup> The period of review ("POR") is September 1, 2009, through August 31, 2010. This review covers one exporter: Tianjin United Tire & Rubber International Co., Ltd. ("TUTRIC").

We invited interested parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we made certain changes to our margin calculations for TUTRIC. The final dumping margins for this review are listed in the "Final Results Margins" section below.

**DATES:** *Effective Date:* March 12, 2012.

**FOR FURTHER INFORMATION CONTACT:** Raquel Silva or Wendy Frankel, 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) 482-6475 and (202) 482-5849, respectively.

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Preliminary Results of the 2009-2010 Antidumping Duty Administrative Review and Intent To Rescind, in Part*, 76 FR 62356 (October 7, 2011) ("*Preliminary Results*").

## Background

On October 7, 2011, the Department published its *Preliminary Results* of the antidumping duty administrative review of OTR tires from the PRC. On October 21, 2011, TUTRIC submitted its response to the Department's October 17, 2011, post-preliminary supplemental questionnaire.

Titan Tire Corporation ("Titan"), the petitioner; and TUTRIC each submitted publicly available information regarding surrogate values on October 27, 2011; Bridgestone Americas, Inc. and Bridgestone Americas Tire Operations, LLC (collectively, "Bridgestone"), domestic interested parties, did so on October 28, 2011. On November 7, 2011, TUTRIC submitted rebuttal surrogate value information.

Titan and Bridgestone submitted their case briefs on November 17, and November 18, 2011, respectively. On November 30, 2011, TUTRIC submitted its rebuttal brief.

## Analysis of Comments Received

All issues raised in the case and rebuttal briefs filed by parties in this review are addressed in the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, titled, "Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Issues and Decision Memorandum for the Final Results of the 2009-2010 Second Administrative Review of the Antidumping Duty Order," dated February 21, 2012 ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum follows as an appendix to this notice. 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). Access to IA ACCESS is available in the Central Records Unit (CRU), room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

## Period of Review

The POR is September 1, 2009, through August 31, 2010.