

**FOR FURTHER INFORMATION CONTACT:** For questions on the submission of comments, please contact Christine Peterson at (202) 482-1432 or Andrea Cornwell at (202) 482-0998.

**Publication and Confidential Information:**

Submissions filed in response to this request will be made available to the public by posting them on the Internet. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you have confidential business information that would support your recommendation or that you believe would help the U.S. Government formulate an effective enforcement strategy, please let us know, and we may request that additional information.

**SUPPLEMENTARY INFORMATION:** It is difficult to overstate the value of intellectual property rights (IPR) to innovation, investment and economic development for U.S. businesses. Intellectual property rights are also critical to our small and medium-sized enterprises (SMEs). The U.S. Chamber of Commerce<sup>1</sup> estimates that IP-intensive industries employ 18 million Americans, and the Small Business Administration has estimated that SMEs alone employ half of Americans and account for 65 percent<sup>2</sup> of new jobs. The theft of IP from SMEs is a serious matter, as it stifles innovation, slows economic growth, weakens the competitiveness of U.S. employers, and threatens American jobs. Intellectual property theft at the hands of foreign companies, consumers, and even governments, has an adverse impact on all IP-based innovation and economic success. SMEs are particularly vulnerable because they are at a distinct disadvantage when confronting these difficulties in foreign markets. The Department of Commerce's priorities include ensuring that intellectual property remains a viable driver or innovation, and that our IP-based industries can compete effectively in the international marketplace. Commerce Bureaus, namely the U.S. Patent and Trademark Office (USPTO) and the International Trade Administration (ITA), work alongside the IPEC and the agencies involved in intellectual property rights enforcement to help businesses secure and enforce

intellectual property rights at home and abroad.

To educate and assist all businesses, and SMEs in particular, the Department of Commerce has developed a number of IPR tools and resources. ITA, on behalf of U.S. intellectual property agencies, launched a Web site in 2004 (<http://www.stopfakes.gov>) to provide updates and links to Executive Branch IPR programs. On the Web site, there are additional resources for businesses such as an online IPR tutorial, which is available in three languages, country-specific IPR toolkits and links to other resources such as the American Bar Association's International IP Advisory Program. The site also allows businesses to file complaints about IPR-related trade problems, which are answered by a trade specialist from ITA. The Department of Commerce also established the 1-866-999-HALT hotline answered by PTO IPR experts, who work with ITA's Office of Intellectual Property Rights (OIPR) to help businesses secure and enforce their IPR through international treaties. Though this list is non-exhaustive, U.S. agencies recognize that there may be additional government tools and support on IPR protection and enforcement that could assist U.S. exporters.

Dated: Friday, September 24, 2010.

**Eileen Hill,**

*Acting Deputy Assistant Secretary, Trade Agreements and Compliance, Market Access and Compliance, International Trade Administration, U.S. Department of Commerce.*

[FR Doc. 2010-24508 Filed 9-29-10; 8:45 am]

**BILLING CODE 3510-DA-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-900]

#### **Diamond Sawblades and Parts Thereof From the People's Republic of China: Initiation of Antidumping Duty Changed Circumstances Review**

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

**DATES:** *Effective Date:* September 30, 2010.

**SUMMARY:** The Department of Commerce ("Department") has received information sufficient to warrant the initiation of a changed circumstances review "CCR" of the antidumping duty order on diamond sawblades and parts thereof from the People's Republic of China ("PRC"). Specifically, based on requests filed by the Diamond Sawblade Manufacturers

Coalition ("DSMC") and Hebei Jikai,<sup>1</sup> the Department is initiating a CCR to determine whether Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. is the successor-in-interest to (1) Hebei Jikai Industrial Group Co., Ltd. or (2) Electrolux Construction Products (Xiamen) Co., Ltd. ("Electrolux Xiamen").

**FOR FURTHER INFORMATION CONTACT:** Alan Ray, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5403.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 4, 2009, the Department published antidumping duty orders on diamond sawblades and parts thereof from the PRC and the Republic of Korea,<sup>2</sup> as a result of the United States International Trade Commission reversing its initial negative determination on remand from the United States Court of International Trade. As part of those orders, in the investigation, Hebei Jikai Industrial Group Co., Ltd. received a calculated rate of 48.5 percent while Electrolux Xiamen received the PRC-wide rate of 164.09 percent.<sup>3</sup> On August 13, 2010, DSMC filed a submission with the Department requesting that it conduct a CCR of the antidumping duty order on diamond sawblades and parts thereof from the PRC to determine whether Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. is a successor-in-interest to Electrolux Xiamen.<sup>4</sup> On August 20, 2010, DSMC submitted further information supporting its claim that Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. should be found to be the successor-in-interest to Electrolux Xiamen. DSMC provided a narrative and supporting documentation accounting for changes in the name, ownership, production location, management, and

<sup>1</sup> Husqvarna Construction Products North America, Inc., Hebei Husqvarna-Jikai Diamond Tools Co., Ltd., and Hebei Jikai Industrial Group Co., Ltd. (collectively "Hebei Jikai").

<sup>2</sup> *Diamond Sawblades and Parts Thereof From the People's Republic of China and the Republic of Korea: Antidumping Duty Orders*, 74 FR 57145 (November 4, 2009) ("Order").

<sup>3</sup> *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China*, 71 FR 29303 (May 22, 2006).

<sup>4</sup> See Letter from DSMC to the Department regarding Diamond Sawblades and Parts Thereof from the People's Republic of China—Request for Initiation of Changed Circumstances Review, dated August 13, 2010.

<sup>1</sup> Global Intellectual Property Center, *Intellectual Property: Creating Jobs, Saving Lives, Improving the World*, 2009.

<sup>2</sup> Karen Mills, Administrator of the U.S. Small Business Administration (SBA), speech at "Jobs on Main Street, Customers Around the World" event hosted by USTR 01-21-10.

product line involving the entities at issue.<sup>5</sup>

On September 13, 2010, Hebei Jikai filed a submission with the Department requesting that it CCR review and, at the time of initiation, find that Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. is the successor-in-interest to Hebei Jikai Industrial Group Co., Ltd. Hebei Jikai provided a narrative description and supporting documentation addressing changes in: (1) Production facilities; (2) supplier relationships; (3) management; and (4) customer base.<sup>6</sup>

On September 20, 2010, DSMC submitted a request that at the time of initiation that the Department should also issue its preliminary determination that all subject merchandise exported by Hebei Jikai should be subject to the PRC-wide rate of 164.09 percent.<sup>7</sup>

### Scope of the Order

The products covered by this order are all finished circular sawblades, whether slotted or not, with a working part that is comprised of a diamond segment or segments, and parts thereof, regardless of specification or size, except as specifically excluded below. Within the scope of these orders are semifinished diamond sawblades, including diamond sawblade cores and diamond sawblade segments. Diamond sawblade cores are circular steel plates, whether or not attached to non-steel plates, with slots. Diamond sawblade cores are manufactured principally, but not exclusively, from alloy steel. A diamond sawblade segment consists of a mixture of diamonds (whether natural or synthetic, and regardless of the quantity of diamonds) and metal powders (including, but not limited to, iron, cobalt, nickel, tungsten carbide) that are formed together into a solid shape (from generally, but not limited to, a heating and pressing process).

Sawblades with diamonds directly attached to the core with a resin or electroplated bond, which thereby do not contain a diamond segment, are not included within the scope of these orders. Diamond sawblades and/or sawblade cores with a thickness of less

than 0.025 inches, or with a thickness greater than 1.1 inches, are excluded from the scope of these orders. Circular steel plates that have a cutting edge of non-diamond material, such as external teeth that protrude from the outer diameter of the plate, whether or not finished, are excluded from the scope of these orders. Diamond sawblade cores with a Rockwell C hardness of less than 25 are excluded from the scope of these orders. Diamond sawblades and/or diamond segment(s) with diamonds that predominantly have a mesh size number greater than 240 (such as 250 or 260) are excluded from the scope of these orders. Merchandise subject to these orders is typically imported under heading 8202.39.00.00 of the Harmonized Tariff Schedule of the United States (“HTSUS”). When packaged together as a set for retail sale with an item that is separately classified under headings 8202 to 8205 of the HTSUS, diamond sawblades or parts thereof may be imported under heading 8206.00.00.00 of the HTSUS. The tariff classification is provided for convenience and customs purposes; however, the written description of the scope of these orders is dispositive.

### Initiation of CCR

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (“Act”), the Department will conduct a CCR upon receipt of information concerning, or a request from, an interested party for a review of an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order.

In accordance with 19 CFR 351.216(d), the Department has determined that the information submitted by DSMC and Hebei Jikai constitutes sufficient evidence to initiate a CCR. In an antidumping duty changed circumstances review involving a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.<sup>8</sup> Although no single factor will necessarily provide a dispositive indication that the requestor is the successor-in-interest to the predecessor company, generally, the Department will consider one company to be a successor-in-interest to another company if its resulting operation is essentially similar to that of its

predecessor.<sup>9</sup> Therefore, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.<sup>10</sup>

Based on the information provided in their submissions, DSMC and Hebei Jikai have provided sufficient evidence to initiate a review to determine whether Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. is the successor-in-interest to Electrolux Xiamen or Hebei Jikai Industrial Group Co., Ltd. Therefore, pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), we are initiating a CCR. Although Hebei Jikai submitted documentation regarding changes in management, suppliers, customer base, and production facilities that the Department considers in its successor-in-interest analysis, we will need additional time to explore Electrolux Xiamen’s involvement in Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. prior to reaching a preliminary determination. Accordingly, the Department has determined that it is not expediting this action by combining the preliminary results of review with this notice of initiation.<sup>11</sup>

The Department intends to issue questionnaires requesting additional information for the review and will publish in the **Federal Register** a notice of the preliminary results of the antidumping duty CCR, in accordance with 19 CFR 351.221(b)(2) and 351.221(c)(3)(i). That notice will set forth the factual and legal conclusions upon which our preliminary results are based and a description of any action proposed. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of review. In accordance with 19 CFR 351.216(e), the Department will issue the final results of its antidumping duty CCR not later than 270 days after the date on which the review is initiated.

<sup>5</sup> See Letter from DSMC to the Department regarding Diamond Sawblades and Parts Thereof from the People’s Republic of China—Supplementary Information on Request for Initiation of Changed Circumstances Review, dated August 20, 2010.

<sup>6</sup> See Letter from Hebei Jikai to the Department regarding Diamond Sawblades and Parts Thereof from the People’s Republic of China—Request for Initiation of a Changed Circumstances Review.

<sup>7</sup> See Letter from DSMC to the Department regarding Diamond Sawblades and Parts Thereof from the People’s Republic of China—Request for Simultaneous Initiation of Changed Circumstances Review and Issuance of Preliminary Determination, dated September 20, 2010.

<sup>8</sup> See, e.g., *Pure Magnesium In Granular Form from the People’s Republic of China: Initiation of Changed Circumstances Review*, 75 FR 51002 (August 18, 2010).

<sup>9</sup> See, e.g., *Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India*, 71 FR 327 (January 4, 2006).

<sup>10</sup> See *Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber from Japan*, 67 FR 58 (January 2, 2002); see also *Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979 (March 1, 1999).

<sup>11</sup> See 19 CFR 351.221(c)(3)(ii); see also *Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Pasta From Turkey*, 74 FR 681 (January 7, 2009).

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

Dated: September 24, 2010.

**Susan H. Kuhbach,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. 2010-24602 Filed 9-29-10; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### The Manufacturing Council: Meeting of the Manufacturing Council

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an Open Meeting.

**SUMMARY:** The Manufacturing Council will hold a meeting to discuss and identify the priority issues affecting the U.S. manufacturing industry, which may include increasing exports, supply chain and access to credit, among others. The Council was re-chartered on April 8, 2010, to advise the Secretary of Commerce on matters relating to the U.S. manufacturing industry.

**DATES:** October 14, 2010

*Time:* 10 a.m.

**ADDRESSES:** Department of Commerce, 1401 Constitution Avenue, NW., Room 4830, Washington, DC, 20230. Because of building security, all non-government attendees must pre-register. This program will be physically accessible to people with disabilities. Seating is limited and will be on a first come, first served basis. Requests for sign language interpretation, other auxiliary aids, or pre-registration, should be submitted no later than October 7, 2010, to Jennifer Pilat, the Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC, 20230, telephone 202-482-4501, [jennifer.pilat@trade.gov](mailto:jennifer.pilat@trade.gov). Last minute requests will be accepted, but may be impossible to fill.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Pilat, the Manufacturing Council, Room 4043, 1401 Constitution Avenue, NW., Washington, DC, 20230, telephone: 202-482-4501, e-mail: [jennifer.pilat@trade.gov](mailto:jennifer.pilat@trade.gov).

#### SUPPLEMENTARY INFORMATION:

No time will be available for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Council's affairs at any time before and after the meeting. Comments may be submitted

to Jennifer Pilat at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. Eastern Time on October 7, 2010, to ensure transmission to the Council prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of Council meeting minutes will be available within 90 days of the meeting.

Dated: September 27, 2010.

**Jennifer Pilat,**

*Executive Secretary, The Manufacturing Council.*

[FR Doc. 2010-24604 Filed 9-27-10; 4:15 pm]

**BILLING CODE 3510-DR-P**

## COMMODITY FUTURES TRADING COMMISSION

### Request for Comment on Options for a Proposed Exemptive Order Relating to the Trading and Clearing of Precious Metal Commodity-Based ETFs; Concept Release

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice of options for a proposed exemptive order and request for comment; concept release.

**SUMMARY:** Recently, the Commodity Futures Trading Commission ("Commission," or "CFTC") has been confronted with the question of how to treat certain transactions on fractional undivided interests, or shares, in single commodity investment products referred to as exchange traded funds ("ETF" or "ETFs"),<sup>1</sup> primarily in the

<sup>1</sup> This Release is limited to those "Commodity ETFs" that are structured as grantor trusts with an investment objective of achieving the price performance of the underlying commodity or commodities held by such trust, less expenses. Further, for purposes of this Release, the term or label "ETF" is loosely applied to precious metal commodity-based ETFs (as used interchangeably herein, "Precious Metal Commodity-Based ETFs" or "Commodity-Based ETFs"), see section 3(a)(1) of the Investment Company Act of 1940 (the "1940 Act") and Securities and Exchange Commission ("SEC"), *Exchange-Traded Funds*, Investment Company Act Release No. 28192 (March 11, 2008), 73 FR 14618, 14623 (March 18, 2008). As used herein, "Precious Metal" indicates either gold, silver, palladium, or platinum.

Additionally, when we refer to an "ETF" in this Concept Release, we are not (unless the context otherwise requires) referring to an entity that meets the definition of an "investment company" and is registered under the 1940 Act. This Release also does not address those "ETF Commodity Pools" that attempt to track a benchmark index or commodity by engaging in the purchase of commodity futures and/or options contracts. These ETF Commodity Pools are subject to regulation by the Commission as a commodity pool operator ("CPO") and/or

metals complex. The ETFs have in all relevant instances been structured as trusts (singularly, "ETF Trust" or "Trust"),<sup>2</sup> the assets of which consist of holdings of one specific physical commodity.<sup>3</sup> The explicit and sole investment objective of each of these ETF Trusts is to track as nearly as possible the spot price of the underlying physical commodity less the expenses of trust operations. The listing of these ETF shares provides shareholders with efficient exposure to commodity market price movements.<sup>4</sup> These Precious Metal Commodity-Based ETFs have primarily focused on holding either gold or silver, with a recent expansion into palladium and platinum. The Commission has issued Orders pursuant to Section 4(c) of the Commodity Exchange Act (the "Act") permitting the trading and clearing of certain transactions on these Trusts as, respectively, options on securities and security futures.<sup>5</sup> The Previous Orders have provided exemptions from certain provisions of the Act, or the Commission's regulations thereunder, which might have been transgressed by trading or clearing, among other things, options and futures on Commodity-Based ETFs. The exemption mechanism has enabled the Commission to reserve judgment as to the jurisdictional classification (*i.e.* commodity or security) of Commodity-Based ETFs and options and futures on Commodity-Based ETFs while at the same time providing a mechanism to ensure both that the Commission's regulatory

commodity trading adviser ("CTA") and may not implicate regulatory issues raised in this Release.

<sup>2</sup> See *e.g.* NYSEArca Rule 8.201 (Commodity-Based Trust Shares); NYSEAmex Rule 1200A (Commodity-Based Trust Shares); NYSE Rule 1300 (streetTracks Gold Shares); and BATS Exchange Rule 14.4.

<sup>3</sup> See, however, Securities Exchange Act Release Nos. 62402 (June 29, 2010), 75 FR 39292 (July 8, 2010) (notice of filing of a proposal to list and trade shares of the ETFs Precious Metals Basket Trust consisting of gold, silver, palladium, and platinum) and 62620 (July 30, 2010) (notice of a proposal to list and trade shares of ETFs White Metals Basket Trust consisting of silver, palladium, and platinum).

<sup>4</sup> For a previous Commission discussion of the structural and arbitrage mechanisms underlying a physical gold ETF, see *Description of the Underlying Commodity in CFTC, Proposed Exemptive Order for ST Gold Futures Contracts*, 73 FR 13867, at 13868 (March 14, 2008).

<sup>5</sup> See CFTC, *Order Exempting the Trading and Clearing of Certain Products Related to SPDR® Gold Trust Shares*, 73 FR 31981 (June 5, 2008), CFTC, *Order Exempting the Trading and Clearing of Certain Products Related to iShares® COMEX Gold Trust Shares and iShares® Silver Trust Shares*, 73 FR 79830 (December 30, 2008), and CFTC, *Order Exempting the Trading and Clearing of Certain Products Related to ETFS Physical Swiss Gold Shares and ETFS Physical Silver Shares*, 75 FR 37406 (June 29, 2010) (collectively, the "Previous Orders").