

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2005]

Approval of Subzone Status, Barrett Distribution Centers, Inc., Franklin, Massachusetts

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 Foreign-Trade Zones Act provides for “. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,” and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

WHEREAS, the Board’s regulations (15 CFR part 400) provide for the establishment of subzones for specific uses;

WHEREAS, the Massachusetts Port Authority, grantee of Foreign-Trade Zone 27, has made application to the Board for the establishment of a subzone at the facility of Barrett Distribution Centers, Inc., located in Franklin, Massachusetts (FTZ Docket B–9–2016, docketed 02–17–2016);

WHEREAS, notice inviting public comment has been given in the **Federal Register** (81 FR 8907, February 23, 2016) 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 memorandum, and finds that the requirements of the FTZ Act and the Board’s regulations are satisfied;

NOW, THEREFORE, the Board hereby approves subzone status at the facility of Barrett Distribution Centers, Inc., located in Franklin, Massachusetts (Subzone 27O), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board’s regulations, including Section 400.13.

Dated: July 29, 2016.

Ronald K. Lorentzen,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

Andrew McGilvray,

Executive Secretary.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967; C–570–968]

Aluminum Extrusions From the People’s Republic of China: Notice of Court Decision Not in Harmony With Final Scope Ruling and Notice of Amended Final Scope Ruling Pursuant to Court Decision

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On July 18, 2016, the United States Court of International Trade (CIT) sustained the Department of Commerce’s (Department) final results of redetermination in which the Department determined, under protest, that certain kitchen appliance door handles are not covered by the scope of the antidumping (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People’s Republic of China.

DATES: *Effective Date:* July 28, 2016.

FOR FURTHER INFORMATION CONTACT: James Terpstra, AD/CVD Operations, Office III, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–3965.

SUPPLEMENTARY INFORMATION:**Background**

On June 21, 2013, the Department issued a final scope ruling in which it determined that three types of kitchen appliance door handles (Types A, B, and C) imported by Meridian are within the scope of the *Orders*¹ and did not meet the scope exclusions for “finished merchandise” and “finished goods kits.”² Meridian challenged the Department’s final scope ruling at the CIT.

On December 7, 2015, the CIT issued an opinion and order in *Meridian I* sustaining the Department’s findings in the Kitchen Appliance Door Handles Scope Ruling that Meridian’s Type A door handles (consisting of a single piece of aluminum extrusion) and Type C door handles (consisting of a single piece of aluminum extrusion packaged as a “kit” with a tool and an instruction

¹ See *Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order*, 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions from the People’s Republic of China: Countervailing Duty Order*, 76 FR 30653 (May 26, 2011) (the *Orders*).

² See “Final Scope Ruling on Meridian Kitchen Appliance Door Handles,” dated June 21, 2013 (Kitchen Appliance Door Handles Scope Ruling) at 12–15.

manual) are within the scope of the *Orders* based on a plain reading of the scope language.³ The Court, however, remanded the Department’s determination that Type B door handles (consisting of a single piece of aluminum extrusion with two plastic end caps fastened on with screws) are within the scope of the *Orders*. The Court found the Department’s determination to be unsupported by the general scope language.⁴ The Court further found that, assuming *arguendo* that Meridian’s Type B door handles were covered by the scope language, the Department erred in finding that the products did not satisfy the “finished merchandise” exclusion.⁵

On March 23, 2016, the Department issued its Final Results of Redetermination, in which it found, respectfully, under protest, that Meridian’s Type B door handles are not covered by the scope of the *Orders* because the general scope language did not cover such products. As a result, the Department did not consider whether Meridian’s Type B door handles were subject to the exclusion for “finished merchandise.”⁶

On July 18, 2016, in *Meridian II* the Court sustained the Department’s finding in the Final Results of Redetermination that Meridian’s Type B door handles are not covered by the scope of the *Orders*.⁷ Consistent with the decision of the United States Court of Appeals for the Federal Circuit (Federal Circuit) in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (CAFC 2010) (*Diamond Sawblades*), the Department is notifying the public that the final judgment in this case is not in harmony with the Department’s final scope ruling and is amending the final scope ruling to find that certain kitchen appliance door handles imported by Meridian LLC (Meridian) are not covered by the scope of the AD and CVD orders on aluminum extrusions from the People’s Republic of China.

³ See *Meridian Products LLC v. United States*, Court No. 13–00246, Slip Op. 15–135 (*Meridian I*) at 6–9.

⁴ *Id.*, at 10–13.

⁵ *Id.*, at 13–16.

⁶ See Final Results of Redetermination Pursuant to Court Remand, *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 15–135 (CIT December 7, 2015) (Final Results of Redetermination).

⁷ See *Meridian Products, LLC v. United States*, Court No. 13–00246, Slip Op. 16–71 (*Meridian II*) at 11.