

United States International Trade Commission

**Advice Concerning
Possible
Modifications to the
U.S. Generalized
System of
Preferences, 2008
Review of
Competitive Need
Limit Waivers**

Investigation No. 332-506

USITC Publication 4074

April 2009



U.S. International Trade Commission

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Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Competitive Need Limit Waivers

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CLASSIFIED BY: United States Trade Representative,
Letter Dated January 9, 2008 (sic), Received January 12, 2009
DECLASSIFIED BY: United States Trade Representative,
Letter Dated January 9, 2008 (sic), Received January 12, 2009



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NOTICE

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Abstract

This report contains the advice of the U.S. International Trade Commission (Commission) to the President regarding the effect of granting competitive need limit waivers for certain countries and articles eligible for duty-free treatment under the provisions of the Generalized System of Preferences (GSP). The report provides advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limits, and whether like or directly competitive products were being produced in the United States on January 1, 1995. The report also provides advice as to the probable economic effect on total imports, as well as on U.S. consumers, for the products described in the petitioned waivers. The countries, articles, and Harmonized Tariff Schedule of the United States (HTS) subheadings for the proposed competitive need limit waivers are as follows: Indonesia for polyethylene terephthalate resin (PET resin) (HTS subheading 3907.60.00); Argentina for full grain unsplit bovine (not buffalo) & equine leather, not whole, w/o hair on, nesoi, fancy, prepared after tanning or crusting, not 4114 (HTS subheading 4107.91.80); and Turkey for copper, stranded wire, not electrically insulated, not fitted with fittings and not made up into articles (HTS subheading 7413.00.10).

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CHAPTER 1

Introduction and Summary of Advice

Introduction¹

This report provides advice relating to the effect of granting competitive need limit waivers² for certain countries and articles eligible for duty-free treatment under the provisions of the U.S. Generalized System of Preferences (GSP), as requested by the United States Trade Representative (USTR).³ Specifically, the report provides advice with respect to (1) whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limits; (2) whether like or directly competitive products were being produced in the United States on January 1, 1995; and (3) the probable economic effect on total U.S. imports, as well as on consumers, of granting the petitioned waivers.

Product and country coverage

As requested by the USTR, advice is provided on the proposed competitive need limit waivers for the following articles (provided for in the noted Harmonized Tariff Schedule of the United States (HTS) subheadings) and countries: polyethylene terephthalate resin (PET resin) (3907.60.00) for Indonesia; full grain unsplit bovine (not buffalo) & equine leather, not whole, w/o hair on, nesoi, fancy, prepared after tanning or crusting, not 4114 (4107.91.80) for Argentina; and copper, stranded wire, not electrically insulated, not fitted with fittings and not made up into articles (7413.00.10) for Turkey.

¹ The information in these chapters is for the purpose of this report only. Nothing in this report should be construed to indicate how the Commission would find in an investigation conducted under any other statutory authority.

² According to USTR, *U.S. Generalized System of Preferences (GSP) Guidebook*, February 2009, competitive need limits provide a ceiling on GSP benefits for each product and beneficiary developing country. The competitive need limitations require the termination of a beneficiary developing country's GSP eligibility for a product if, during any calendar year, U.S. imports from that country: (1) account for 50 percent or more of the value of total U.S. imports of that product; or (2) exceed a certain dollar value. In accordance with the GSP statute, the dollar-value limit is increased by \$5 million annually; the limit was \$135 million in 2008, and will be \$140 million in 2009. Products will be found "sufficiently competitive" when imported from a specified beneficiary when they exceed one of these limits. By statute, unless waived, GSP treatment for an article exceeding either competitive need limit test terminates July 1 of the next calendar year.

³ See app. A for the USTR request letter. On March 3, 2009, the USTR informed the Commission that the petition for Harmonized Tariff Schedule of the United States (HTS) subheading 7202.99.20 (calcium-silicon ferroalloys) from Argentina had been withdrawn by the petitioners and asked that the Commission not provide advice on that HTS subheading. On March 10, 2009, the USTR informed the Commission that the petitions for HTS subheading 2922.41.00 (amino-naphthols and amino-phenol, their ethers, esters, except those with more than one kind of oxygen function; and salts thereof, nesoi) from Brazil and HTS subheading 7202.41.00 (ferrochromium containing by weight more than 4 percent of carbon) from India had been withdrawn by the petitioners, and asked that the Commission not provide advice on those HTS subheadings (see app. A for the letters from the USTR). See app. B for the Commission's *Federal Register* notices announcing institution of the investigation and the change in scope of the investigation. The Commission held a public hearing on this matter on February 27, 2009, in Washington, DC; see app. C for the calendar of witnesses for the public hearing.

Analytical approach

* * * * *

Summary of Advice

* * * * *

CHAPTER 2

PET Resin

Competitive Need Limit Waiver (Indonesia)¹

HTS subheading	Short description	Col. 1 rate of duty as of 1/1/09 (percent ad valorem)	Like or directly competitive article produced in the United States on Jan. 1, 1995?
3907.60.00 ^a	PET resin	6.5	Yes

^a PET resin is eligible for duty-free treatment under the provisions of the GSP for all GSP-designated countries except for Argentina, which was removed from GSP eligibility in 1997 for intellectual property rights violations, and Thailand, which was designated as sufficiently competitive as of July 1, 2007, after exceeding the competitive need limit in 2006.

In 2003, the U.S. PET Resin Coalition filed a petition requesting that this HTS subheading be removed from GSP eligibility for all countries, but the request was denied. In 2007, PT Indorama Synthetics Tbk. and PT Polypet Karyapersada (Indonesian PET resin producers) filed a petition requesting a waiver of the competitive need limit for Indonesia, but withdrew their petition prior to the end of the Commission's investigation.

The President has not issued a proclamation making Indonesia ineligible for GSP treatment for the articles included under HTS subheading 3907.60.00. However, as of October 2008, Indonesia exceeded the competitive need limit of \$135 million. In 2008, the U.S. PET Resin Coalition petitioned for the removal of this HTS subheading from GSP eligibility for Indonesia and India; that action is currently under review by the U.S. GSP Subcommittee.

PET resin is a large-volume, commodity-grade, thermoplastic polyester resin produced from purified terephthalic acid (PTA) and monoethylene glycol. It is primarily sold in bulk form as chips or pellets to downstream end users and converters that produce PET products for a wide variety of applications. Bottle-grade PET resin, for example, is used to produce bottles for carbonated beverages, water and fruit juice, cooking oils, and household cleaners; and jars for various consumer food items and cosmetics. Other PET resin grades are sold to produce thermoformed sheet used for food service containers and blister packaging. PET resin is also used for microwave food trays, strapping, films, fibers, and engineering applications.

Advice

* * * * *

¹ The petitioners are PT Indorama Synthetics Tbk. and PT Polypet Karyapersada with the Government of Indonesia supporting.

Profile of U.S. Industry and Market, 2004–08

The U.S. PET resin industry consists principally of seven large producers with facilities in the United States, Canada, and Mexico, many of which have consolidated operations in recent years.² *** (table 2.1).³ Domestic prices for bottle-grade PET resin, f.o.b. supplier, were reported to have peaked during third quarter 2008, followed by a downturn during the fourth quarter, when prices fell about 30 percent. Buyers cited slumping demand and falling raw material prices linked to oil prices as major reasons for the slide.⁴ Domestic producers estimated that ***.⁵

Canada, Mexico, and the Netherlands are the leading markets for U.S. PET resin exports, together accounting for approximately 63 percent of total U.S. export shipments in 2008. Canada, Mexico, and Indonesia are the leading suppliers of imported PET resin into the U.S. market (together representing about 69 percent of total U.S. imports in 2008), and benefit from the duty-free provisions of NAFTA (Canada and Mexico) and the GSP (Indonesia).

TABLE 2.1 PET resin: U.S. producers, employment, shipments, trade, consumption, and capacity utilization, 2004–08

Item	2004	2005	2006	2007	2008
Producers (<i>number</i>)	7	7	7	7	7
Employment (<i>employees</i>) ^{a b}	1,781	***	***	***	***
Shipments (<i>1,000 \$</i>) ^b	2,691,012	***	***	***	***
Exports (<i>1,000 \$</i>)	571,084	586,063	617,607	736,812	559,735
Imports (<i>1,000 \$</i>)	595,269	1,065,883	1,171,533	1,120,963	1,076,047
Consumption (<i>1,000 \$</i>)	2,715,197	***	***	***	***
Import-to-consumption ratio (%)	22	***	***	***	***
Capacity utilization (%)	>90	***	***	***	***

Source: Official statistics of the U.S. Department of Commerce, except as noted.

^aEmployment data are for production and related workers.

^bEmployment and shipment data for 2004 from USITC, *Polyethylene Terephthalate (PET) Resin From India, Indonesia, and Thailand*, May 2005; employment and shipment data for 2005–08 from Kelley Drye & Warren, on behalf of the PET Resin Coalition, written submission to the USITC, March 6, 2009, exhibit 1.

² ***.

³ Kelley Drye & Warren, on behalf of the PET Resin Coalition, written submission to the USITC, March 6, 2009, 5-6 and exhibit 1.

⁴ Information derived from various articles and price quotes reported in the publication *Plastics News*.

⁵ Industry sources, telephone interviews by Commission staff, February–March 2009, various information published in *Plastics News*.

GSP Import Situation, 2008

Indonesia and India are currently the primary GSP suppliers of imported PET resin to the U.S. market, with Indonesia accounting for about 65 percent of the GSP total, and India, 19 percent. Indonesia was the third leading supplier of total U.S. imports of PET resin, accounting for about 16 percent in 2008; imports from all GSP-eligible countries accounted for 24 percent of total U.S. imports (table 2.2). The United States surpassed Japan as Indonesia's primary export market for PET resin in 2007, accounting for 35 percent of Indonesia's exports.⁶ In 2007–08, more than 96 percent of Indonesia's exports to the United States entered the domestic market through West Coast ports.⁷ Indonesian producers maintain that, owing to logistics and the high cost of inland freight, these imports do not compete with U.S. production, which is concentrated on the East Coast, nor do they compete with imports from certain other producers including India, which enter primarily through eastern U.S. ports.⁸ According to domestic producers, the domestic customers for PET resin require the domestic producers to bid for sales contracts based on price only, and the prices are set according to the price of the Indonesian product.⁹

Reportedly, Indonesia's PET resin manufacturing facilities were built during the mid-1990s, and are operating at or near full capacity.¹⁰ Indorama is reportedly the largest of the five Indonesian firms producing PET resin, with an annual production capacity of 100,000 metric tons; and Polypet the second largest at 84,000 metric tons. Indonesia's total annual capacity is about 400,000 metric tons.¹¹ Indorama is reportedly the only source for Indonesian-produced bottle-grade carbonated soft drink (CSD) beverage PET resin in the United States, with all of its customers reportedly on the West Coast.¹²

One of the petitioners, PT Indorama, is a part of the Indorama Group, a large multinational business, owned and managed independently. In August 2007, Indorama announced that it had established a new subsidiary of Indorama Polymers, Thailand, known as Alphapet, which would build a new, state-of-the-art, PET resin plant in Decatur, Alabama. According to Indorama, the new plant is scheduled to come onstream during the second quarter of 2009, with an annual capacity of 432,000 metric tons per year of PET resin, reportedly the largest plant capacity in North America.¹³ The new Indorama facility in Decatur will reportedly market PET resin to the carbonated soft drink and water bottle industries and also provide PET resin to customers that require custom containers.

⁶ GTIS, Global Trade Atlas Database (accessed February 6, 2009).

⁷ USITC, Dataweb (accessed February 5, 2009).

⁸ USITC, Hearing transcript, February 27, 2009, 43, 61 (testimony of Jason Pahules on behalf of PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris) and Porter Wright, on behalf of PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris, written submission to the USITC, March 6, 2009, 9.

⁹ USITC, Hearing transcript, February 27, 2009, 21 and 91 (testimony of Hans Kinner on behalf of the PET Resin Coalition).

¹⁰ USITC, Hearing transcript, February 27, 2009, 17 (testimony of Martin Lewin on behalf of P.T. Indorama Synthetics).

¹¹ Ibid. The one non-petitioning Indonesian producer is Mitsubishi.

¹² Ibid., 35.

¹³ Merchant Research & Consulting, Ltd., "Indorama to Construct 432,000 Ton/Year Plant in Decatur," August 27, 2007; Indorama, "IRP Shows Healthy Earnings in 2008 Sees Prospects for 2009 Remaining Resilient," Indorama Polymers Company Web site. <http://www.indoramapolymers.com> (accessed March 17, 2009); and Adrienne Newton (Chemical Branch, Air Division, Alabama Department of Environmental Management), telephone interview by Commission staff, February 6, 2009.

TABLE 2.2 PET resin: U.S. imports and share of U.S. consumption, 2008

Item	Imports	% of total imports	% of GSP imports	% of U.S. consumption
	1,000 \$			
Grand total	1,076,047	100	(^a)	***
Imports from GSP-eligible countries:				
Total	258,827	24	100	***
Indonesia	167,987	16	65	***
India	49,201	5	19	***

^aNot applicable.

U.S. Imports and Exports

Data for total U.S. imports and exports of the subject product are found in tables 2.3 and 2.4.

TABLE 2.3 PET resin: U.S. imports for consumption, by principal sources, 2004–08

Country	2004	2005	2006	2007	2008
			<i>In \$</i>		
Canada	202,998,063	259,515,264	258,795,370	312,362,265	297,005,292
Mexico	200,289,919	304,196,950	355,938,926	327,447,147	275,700,861
Indonesia	37,230,085	78,871,897	87,254,553	117,649,575	167,987,100
China	10,663,315	124,322,800	102,801,727	66,579,739	114,485,461
India	6,257,890	50,662,003	104,011,474	34,497,944	49,201,357
Korea	32,516,080	85,509,674	74,975,043	56,865,287	39,131,467
Australia	1,730	757,937	12,769,795	23,464,679	34,227,142
Taiwan	24,571,305	28,349,316	13,009,811	41,019,631	26,317,255
Pakistan	19,820	0	42,068	922,350	25,606,689
Germany	6,894,199	7,501,237	11,814,419	8,485,083	11,503,165
All other	73,827,012	126,196,006	150,119,712	131,669,306	34,881,589
Total	595,269,418	1,065,883,084	1,171,532,898	1,120,963,006	1,076,047,378
Imports from GSP-eligible countries:					
Indonesia	37,230,085	78,871,897	87,254,553	117,649,575	167,987,100
India	6,257,890	50,662,003	104,011,474	34,497,944	49,201,357
Pakistan	19,820	0	42,068	922,350	25,606,689
Peru	0	1,962,411	3,139,717	6,031,128	8,919,988
Thailand ^a	58,608,238	73,904,393	134,455,839	77,700,733	0
Brazil	62,755	7,977,291	4,781,773	30,002,287	3,419,403
Venezuela	0	59,656	196,204	1,073,498	1,544,801
Bolivia	0	0	163,680	0	820,752
Colombia	0	48,248	0	182,893	621,938
All other	157,222	1,737,389	18,360	1,768,603	704,812
Total	102,336,010	215,223,288	334,063,668	269,829,011	258,826,840

Source: Official statistics of the U.S. Department of Commerce.

Note: As of February 1, 2009, the United States-Peru Trade Promotion Agreement became effective; therefore, Peru is no longer designated as a beneficiary country eligible for duty-free treatment under the provisions of the U.S. Generalized System of Preferences.

^a Thailand was designated as sufficiently competitive as of July 1, 2007, after exceeding the competitive need limit in 2006, and therefore was removed from GSP eligibility at that time. Imports from Thailand in 2007 under the GSP (prior to July 1, 2007) were valued at \$77,700,733. Non-GSP imports from Thailand in 2007 and 2008 are not included as imports from GSP-eligible countries. All imports from Thailand for 2004-08 (GSP and non-GSP) are included in the "All other" category in the first section of the table.

TABLE 2.4 PET resin: U.S. exports of domestic merchandise, by principal markets, 2004–08

Country	2004	2005	2006	2007	2008
			<i>In \$</i>		
Canada	78,614,261	124,446,745	129,297,333	182,523,421	173,628,136
Mexico	70,307,027	96,187,320	145,041,177	80,092,694	89,546,116
Netherlands	80,846,740	75,166,974	87,490,287	104,277,266	89,156,513
Peru	77,762,609	56,575,617	27,282,730	56,430,653	20,146,945
China	8,116,649	16,573,522	14,749,314	13,940,237	19,653,554
Chile	19,224,997	21,798,478	27,427,686	26,632,414	15,034,892
United Kingdom	13,696,746	9,289,379	11,380,829	26,271,650	14,200,992
Guatemala	4,326,887	4,451,626	7,295,143	15,544,720	11,869,224
Hong Kong	5,450,655	10,106,890	9,734,863	8,685,152	11,516,530
Uruguay	10,281,647	4,805,194	8,240,246	20,877,215	10,630,362
All other	202,455,984	166,661,064	149,667,299	201,536,974	104,352,186
Total	571,084,202	586,062,809	617,606,907	736,812,396	559,735,450

Source: Official statistics of the U.S. Department of Commerce.

Positions of Interested Parties¹⁴

Petitioners.—Four of the five known Indonesian producers and exporters of PET resin to the United States filed petitions with the USTR requesting a waiver of the competitive need limit, with supporting documentation filed by the government of Indonesia. Two petitions were filed independently by PT Indorama Synthetics Tbk. (Indorama), and an aggregate group consisting of three PET resin producers: PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris.

PT Indorama Synthetics, the principal Indonesian producer/exporter of PET resin to the United States, stated that the granting of the competitive need limit waiver will have no adverse economic effect on the U.S. industry or consumers. Indorama said that shipments of PET resin from Indonesia to the United States overwhelmingly have been landed and sold on the U.S. West Coast at locations that are geographically insulated from U.S. PET resin producer competition, which is concentrated in the eastern region of the United States.¹⁵ According to Indorama, the only economically feasible mode of shipment from Indonesia to the United States is by direct ocean freight to the U.S. West Coast, and that the cost of shipping Indonesian PET resin from the West Coast to the eastern United States is prohibitive.¹⁶

Indorama stated that the principal reason for the increase in imports from Indonesia to the U.S. West Coast beginning in July 2007 was to partially offset the decline in imports from Thailand, which lost GSP-eligibility for this product, and that denial of the

¹⁴ Except as noted, information provided in this section is derived from the petition filed with the USTR as well as hearing testimony and written submissions of interested parties to the Commission in connection with this investigation.

¹⁵ Kalik Lewin, on behalf of P.T. Indorama Synthetics, written submission to the USITC, March 6, 2009, 1.

¹⁶ USITC, Hearing transcript, February 27, 2009, 29 and 62 (Martin Lewin on behalf of P.T. Indorama Synthetics).

competitive need limit waiver request would not benefit the U.S. domestic industry, but only result in the replacement of Indonesian PET resin by imports from other Asian producers, primarily China.

PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris stated that the competitive need limit waiver will have no adverse economic effect on the U.S. PET resin industry or consumers. Unlike Indorama, this group of Indonesian producers allegedly does not generally have the versatility or technical capability to produce higher intrinsic viscosity (IV) specialty bottle-grade resin suitable for CSD beverage applications in the United States.¹⁷ Rather, this group of firms supplies the U.S. West Coast market with PET resin for a more restricted set of product applications, such as non-CSD water bottle-grade PET resin and PET resin used to produce custom containers designed to house fruits, vegetables, and certain other similar products typically found in grocery store chains and other outlets. The group cites direct competition with China on the U.S. West Coast, but no competition with the U.S. PET resin producers.

These three companies also cited the freight disadvantages associated with ocean shipments of smaller quantities of PET resin (either in 1 metric ton supersacks or 20 metric ton containers), together with the burden of unloading, storage, and subsequent small overland truck shipments, as narrowing their range to West Coast markets.¹⁸ Also, freight rates from Indonesia to the U.S. East Coast involving water transport via the Panama Canal were reported to be noncompetitive.¹⁹

Indonesian PET resin producers maintained that the market in Indonesia is growing. Given the limited capacity of Indonesian producers, domestic market requirements limit the amount of product that can be exported to the United States.²⁰ The Indonesian producers maintained that Indonesia does not have a feedstock cost advantage and that the producers purchase primary feedstock.²¹

Opposition.—The U.S. PET Resin Coalition, which consists of most of the major U.S. producers of PET resin, stated that the domestic industry has been adversely affected by imports of lower-priced, duty-free Indonesian PET resin.²² The coalition stated that imports from Indonesia undersold the domestic product in the United States in 2008, and that, because of suppressed prices, the U.S. industry has deteriorated financially.²³ The coalition also stated that the denial of the requested waiver of the competitive need limit for Indonesia could lead to an increase in Indonesian prices and permit U.S. producers to be more competitive.²⁴

¹⁷ USITC, Hearing transcript, February 27, 2009, 35-36 (testimony of Jason Pahules on behalf of PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris).

¹⁸ Porter Wright, on behalf of PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris, written submission to the USITC, March 6, 2009, 9. Transcript at 59-63.

¹⁹ USITC, Hearing transcript, February 27, 2009, 63 and 82 (Martin Lewin on behalf of P.T. Indorama Synthetics).

²⁰ Porter Wright, on behalf of PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris, written submission to the USITC, March 6, 2009, 4.

²¹ Porter Wright, on behalf of PT Polypet Karyapersada, PT Petnesia Resindo, and PT SK Keris, written submission to the USITC, March 6, 2009, 5.

²² According to the prehearing submission of the PET Resin Coalition, the six members are as follows: DAK Americas LLC (Charlotte, NC), Invista S.a.r.l. (Wichita, KS), M&G Polymers USA (Houston, TX), Nan Ya Plastics Corp. (Livingston, NJ), Eastman Chemical Co. (Kingsport, TN), and Wellman, Inc. (Fort Mill, SC). ***.

²³ Kelley Drye & Warren, on behalf of the PET Resin Coalition, written submission to the USITC, February 6, 2009, 10-11.

²⁴ Kelley Drye & Warren, on behalf of the PET Resin Coalition, written submission to the USITC, March 6, 2009, 9.

The coalition provided domestic industry data ***. The coalition stated that the decline in U.S. demand for PET resin has exacerbated the vulnerable condition of U.S. producers, and makes it likely that further deterioration in the domestic industry's situation will occur in 2009.²⁵

The Coalition stated that PET resin producers in Indonesia have a significant raw material cost advantage vis-a-vis the U.S. producers. Eastman Chemical Company cited favorable Asian price differences of between 10 to 20 cents per pound for PTA, the feedstock for the production of polyethylene terephthalate.²⁶ Besides Eastman, which has the capability to produce its own PTA feedstock, there is only one other principal supplier of PTA in the United States.²⁷

Mr. Kinner testified that his firm competes against Indonesian PET resin imports. He stated that there is substantial underselling from the Indonesian suppliers, that Eastman is frequently asked by national account customers to quote domestic PET resin prices based on Indonesian prices, and that the lower prices offered by Indonesian suppliers effectively set the U.S. maximum market price.²⁸

²⁵ Kelley Drye & Warren, on behalf of the PET Resin Coalition, written submission to the USITC, March 6, 2009, 6-7, and exhibit 1.

²⁶ USITC, Hearing transcript, February 27, 2009, 59-60 (testimony of Hans Kinner on behalf of the PET Resin Coalition).

²⁷ BP America, located in Decatur, AL.

²⁸ USITC, Hearing transcript, February 27, 2009, 21 (testimony of Hans Kinner on behalf of the PET Resin Coalition).

CHAPTER 3

Certain Leather

Competitive Need Limit Waiver (Argentina)¹

HTS subheading	Short description	Col. 1 rate of duty as of 1/1/09 (percent ad valorem)	Like or directly competitive article produced in the United States on Jan. 1, 1995?
4107.91.80 ^a	Leather further prepared after tanning or crusting, of bovine (other than buffalo) or equine animals, without hair on, not whole, full grain unsplit, fancy.	2.4	Yes

^aArgentina has not been proclaimed by the President as noneligible for GSP treatment for the articles included under HTS subheading 4107.91.80. However, Argentina anticipates future export levels to the United States that will be in excess of the competitive need limit. In 2006, Argentina petitioned for a waiver of the competitive need limit for this HTS subheading; but the petition was rejected for review. In 2007, Argentina again petitioned for a competitive need limit waiver for this HTS subheading; and that petition was accepted for review but was later withdrawn by the petitioner because the competitive need limit was not exceeded. During 2008, U.S. imports from Argentina exceeded the *de minimis* amount for GSP; the current petition is for a *de minimis* waiver. A *de minimis* waiver will automatically be considered for all beneficiary developing countries that exceeded the percentage competitive need limitation for a product if total imports from all countries for the preceding year were below the *de minimis* level. The *de minimis* level in 2008 is \$19 million, and will be \$19.5 million in 2009.

Certain leather is one of a variety of leather products produced from the hides of bovine (other than buffalo) and equine animals. Certain leather is further prepared after tanning; it does not include whole hides or grain splits. Certain leather is considered “fancy” by virtue of its grain or distinctive finish, and does not include chamois leather, patent leather, or metalized leather. Certain leather may be used in the production of a wide variety of leather products, including footwear, apparel, and upholstery. The extent to which production processes for certain leather differ by country is unknown.

Advice

* * * * *

¹ The petitioner is Camara de la Industria Curtidora Argentina (CICA), the Argentine Tanned Leather Trade Association; Government of Argentina supporting.

Profile of U.S. Industry and Market, 2004–08

The United States is a major producer and exporter of hides and leather, but certain leather, which is the subject of the waiver request, accounts for a small share of leather and hides produced in the United States. In the United States, hides are largely a byproduct of beef production. Over 35 million cattle (including calves) were slaughtered in the United States in 2007.² Preliminary numbers for 2008 are approximately 1 percent higher.³ U.S. exports under HTS chapter 41 (hides and leather) were \$2.6 billion in 2008, but the majority of exports (on a value basis) were of raw hides, rather than leather.

The value of all leather produced in the United States in 2006 (the latest year for which data are available) was \$1.3 billion. Domestic producers produce a wide range of leather products in addition to the subject product. *** (table 3.1).

TABLE 3.1 Certain leather: U.S. producers, employment, shipments, trade, consumption, and capacity utilization, 2004–08

Item	2004	2005	2006	2007	2008
Producers (<i>number</i>)	***	***	***	***	(^a)
Employment (<i>1,000 employees</i>)	***	***	***	***	(^a)
Shipments (<i>1,000 \$</i>)	***	***	***	***	(^a)
Exports (<i>1,000 \$</i>)	48,070	72,496	11,957	11,498	24,207
Imports (<i>1,000 \$</i>)	27,200	33,563	40,834	39,254	36,500
Consumption (<i>1,000 \$</i>)	***	***	***	***	(^a)
Import-to-consumption ratio (%)	***	***	***	***	(^a)
Capacity utilization (%)	(^a)				

Sources: Official statistics of the U.S. Department of Commerce, except as noted. Employment and shipment data estimated by Commission staff.

Note: *** refers to staff estimates based on limited information; data adequate for estimation with a moderate degree of confidence.

^aNot available.

² USDA, NASS, Livestock Slaughter 2007 Summary, March 2008, 3.

³ Preliminary data for 2008 slaughter are from Livestock Marketing Information Center website. <http://www.lmic.info> (accessed March 5, 2009)

GSP Import Situation, 2008

The leather subject to this petition accounts for a small share of all U.S. leather imports. Imports of certain leather from Argentina accounted for 3 percent of all U.S. leather imports in 2008. Argentina is the primary import source of certain leather to the U.S. market, accounting for about 71 percent of all GSP imports and 53 percent of all imports of certain leather in 2008 (table 3.2). Brazil is the second-largest GSP-eligible import source of certain leather.

TABLE 3.2 Certain leather: U.S. imports and share of U.S. consumption, 2008

Item	Imports	% of total imports	% of GSP imports	% of U.S. consumption
	<i>1,000 \$</i>			
Grand total	36,500	100	^(a)	^(b)
Imports from GSP-eligible countries:				
Total	27,323	75	100	^(b)
Argentina	19,513	53	71	^(b)
Brazil	6,484	18	24	^(b)

^aNot applicable.

^bNot available.

U.S. Imports and Exports

Data for total U.S. imports and exports of the subject product are found in tables 3.3 and 3.4.

TABLE 3.3 Certain leather: U.S. imports for consumption, by principal sources, 2004–08

Country	2004	2005	2006	2007	2008
			<i>In \$</i>		
Argentina	10,683,083	16,128,608	19,811,201	19,500,643	19,512,969
Brazil	7,888,123	8,005,464	7,813,389	8,245,390	6,484,173
Italy	1,650,194	2,460,049	6,593,258	4,549,526	6,181,281
Korea	414,912	259,306	96,205	850,498	1,508,596
Mexico	67,022	387,063	1,732,339	2,473,514	783,749
India	338,925	276,424	403,616	404,943	748,769
Uruguay	603,431	535,920	656,699	742,500	424,298
Spain	1,967,043	2,112,025	648,471	499,451	190,253
Chile	173,794	402,675	440,421	496,522	173,191
Germany	1,888,551	372,851	675,505	2,450	157,091
All other	1,524,968	2,622,431	1,962,567	1,488,460	335,830
Total	27,200,046	33,562,816	40,833,671	39,253,897	36,500,200
Imports from GSP-eligible countries:					
Argentina	10,683,083	16,128,608	19,811,201	19,500,643	19,512,969
Brazil	7,888,123	8,005,464	7,813,389	8,245,390	6,484,173
India	338,925	276,424	403,616	404,943	748,769
Uruguay	603,431	535,920	656,699	742,500	424,298
Costa Rica	118,947	36,737	277,917	105,939	75,735
Turkey	0	4,493	36,458	6,575	54,756
Pakistan	36,420	79,188	0	0	10,856
Colombia	2,508	83,697	60,841	4,293	5,771
Belize	0	0	0	0	3,626
South Africa	0	0	0	0	1,738
All other	83,997	45,282	0	57,164	0
Total	19,755,434	25,195,813	29,060,121	29,067,447	27,322,691

Source: Official statistics of the U.S. Department of Commerce.

Note: As of January 1, 2009, Costa Rica is no longer designated as a beneficiary developing country eligible for duty-free treatment under the provisions of the U.S. Generalized System of Preferences.

TABLE 3.4 Certain leather: U.S. exports of domestic merchandise, by principal markets, 2004–08

Country	2004	2005	2006	2007	2008
			<i>In \$</i>		
Hong Kong	27,918	64,546	6,637,726	8,872,673	21,686,958
Turkey	0	0	475,476	384,075	538,016
China	8,788	51,927	2,435,440	1,307,558	400,575
Vietnam	0	0	11,913	24,228	369,314
India	0	0	0	22,715	355,559
Mexico	47,918,347	71,787,301	1,586,593	99,370	212,656
Indonesia	0	0	312,776	337,850	168,481
Korea	0	0	57,425	32,155	100,963
Philippines	5,433	371,072	106,114	0	90,546
Spain	0	61,460	210,858	71,661	62,584
All other	109,667	159,936	122,535	345,526	221,648
Total	48,070,153	72,496,242	11,956,856	11,497,811	24,207,300

Source: Official statistics of the U.S. Department of Commerce.

Positions of Interested Parties⁴

Petitioner.—In its petition, CICA stated that the Argentine tanning industry, including leather manufacturing, is an important sector in the Argentine economy, accounting for more than 60,000 jobs. CICA also stated that the Argentine tanning industry provides an important raw material input for U.S. industries that manufacture leather products such as leather upholstery, footwear, garments, and other leather goods. CICA also stated in the petition that the likely beneficiaries of the removal of GSP treatment for Argentina would be the foreign competitors of U.S. leather product manufacturers, located in Southeast Asia, Brazil, and India. CICA asserted that the continued benefit of GSP treatment for Argentine leather items will enable the industry to continue supplying semifinished and finished bovine leather to the U.S. consumer, and will benefit the U.S. manufacturers that have been the primary importers of Argentine leather.⁵

No other statements were received by the Commission in support of, or in opposition to, the proposed modifications to the GSP considered for this HTS subheading.

⁴ Except as noted, information provided in this section is derived from the petition filed with the USTR.

⁵ CICA, petition submitted to the USTR, November 15, 2008.

CHAPTER 4: Stranded Copper Wire

Competitive Need Limit Waiver (Turkey)¹

HTS subheading	Short description	Col. 1 rate of duty as of 1/1/09 (percent ad valorem)	Like or directly competitive article produced in the United States on Jan. 1, 1995?
7413.00.10 ^a	Stranded copper wire, not electrically insulated, not fitted with fittings, and not made up into articles	3.0	Yes
^a Turkey has not been proclaimed by the President as noneligible for GSP treatment for the articles included under HTS subheading 7413.00.10. However, in 2008, Turkey exceeded the competitive need limit of 50 percent of total U.S. imports.			

Stranded copper wire is composed of small-gauge wire bundled to make a larger conductor. Stranded copper wire conductors are commonly used in electronic applications to carry small signals (e.g., computer mouse cables) and in electrical applications to distribute electricity (e.g., power cables between a movable appliance and its power source). Stranded copper wire is increasingly used in the construction of commercial, industrial, and residential establishments, and in high-performance applications, such as building security or network cables, to produce, transmit, receive, detect, distribute, control, record, or modify electrical signals and power.²

Stranded copper wire is produced from refined copper anodes, that are melted down and continuously cast into wire rod.³ The wire rod is then drawn down into unalloyed copper wire and stranded together. Nearly 95 percent of stranded copper wire sold in the United States is insulated in its final form.

Advice

* * * * *

¹ The petitioner is the Istanbul Mineral and Metals Exporters' Association (IMMIB).

² The use of copper in such applications has increased with the growth of the telecommunications and computer industries.

³ Copper anodes are an unwrought form of high-purity (99.9 percent or more) unalloyed copper metal.

Profile of U.S. Industry and Market, 2004–08

The number of U.S. producers of stranded copper wire remained constant during the 2004–08 period, and the estimated value of U.S. shipments fluctuated before ending the period with a decrease of 1 percent. By contrast, the estimated value of U.S. consumption rose fairly steadily during the period, increasing by 13 percent (table 4.1). However, the increase in the value of consumption was principally due to the increase in the unit value of shipments, reflecting higher commodity prices for copper that peaked in July 2008 and then declined sharply.⁴ In terms of quantity, consumption of stranded copper wire and cable decreased approximately 5–10 percent from 2007 to 2008.⁵ This decline in quantity of stranded copper wire consumed was largely due to the overall decline of the U.S. construction industry; stranded copper wire and cable accounts for over 90 percent of building wire and cable. The decline in construction-related consumption was only partially offset by increased demand for stranded copper wire in electronic devices. After peaking in 2006, the value of U.S. shipments of stranded copper wire fell nearly 12 percent in the 2007–08 period.

The value of U.S. imports of stranded copper wire increased by 380 percent during the 2004–08 period. During the 2004–07 period, rising prices were the driving factor behind the increase in stranded copper wire import values; the increase in imports from 2007 to 2008 was principally driven by increased imports from Turkey, the value of which more than tripled during that period. The quantity of all U.S. imports increased by 156 percent during the 2004–08 period. Turkey accounted for 64 percent of all U.S. imports, by quantity, in 2008, and nearly all of the increase in the quantity of U.S. imports from 2007 to 2008.

⁴ USITC, Hearing transcript, February 27, 2009, 99 (testimony of Sule Akyuz on behalf of the IMMIB).

⁵ Arent Fox, on behalf of the IMMIB, petition submitted to the USTR, November 13, 2008, Table 9.

TABLE 4.1 Stranded copper wire: U.S. producers, employment, shipments, trade, consumption, and capacity utilization, 2004–08

Item	2004	2005	2006	2007	2008
Producers (<i>number</i>)	30	30	30	30	30
Employment (<i>1,000 employees</i>)	(^a)	(^a)	(^a)	(^a)	(^a)
Shipments (<i>1,000 \$</i>) ^b	**670,500	**732,500	**755,000	**740,000	**665,000
Exports (<i>1,000 \$</i>)	90,113	121,004	118,246	126,188	101,128
Imports (<i>1,000 \$</i>)	24,277	33,813	60,131	68,722	116,725
Consumption (<i>1,000 \$</i>)	**604,664	**645,309	**696,885	**682,534	**686,045
Import-to-consumption ratio (%)	**4	**5	**9	**10	**17
Capacity utilization (%)	(^a)				

Source: Official statistics of the U.S. Department of Commerce, except as noted.

Note: ** refers to staff estimates based on limited information; data adequate for estimation with a moderate degree of confidence.

^aNot available.

^bIncludes copper wire and cable.

GSP Import Situation, 2008

In 2008, Turkey was the leading supplier of total U.S. imports (60 percent), as well as the leading GSP supplier (93 percent) (table 4.2). The value of imports from Turkey increased by 198 percent from 2007 to 2008. According to Turkish estimates, Turkish producers are operating at 75 percent capacity, and they do not anticipate increasing exports despite the available capacity.⁶

There are six principal manufacturers of stranded copper wire in Turkey, employing approximately 2,350 workers. The Istanbul Mineral and Metals Exporters' Association (IMMIB) estimates Turkey's current annual production at 80,000 short tons, with an annual production capacity of 106,700 short tons. The IMMIB also estimates that over 50 percent of Turkey's production is consumed domestically.⁷ Turkey exports stranded copper wire to several countries, but three countries (the United States, Italy, and Poland) represented over one-half of Turkey's exports of stranded copper wire in 2007.⁸ Italy and Poland are prominent destinations for Turkish stranded copper wire due, in part, to duty-free access granted through the customs union agreement between Turkey and the EU.

⁶ Ibid., 4–5.

⁷ Arent Fox, on behalf of the IMMIB, written submission to the USITC, March 5, 2009, 2.

⁸ Arent Fox, petition submitted to the USTR, November 13, 2008, table 2; USITC, Hearing transcript, February 27, 2009, 99 (testimony of Sule Akyuz on behalf of the IMMIB).

TABLE 4.2 Stranded copper wire: U.S. imports and share of U.S. consumption, 2008

Item	Imports	% of total imports	% of GSP imports	% of U.S. consumption
	1,000 \$			
Grand total	116,725	100	(^a)	17
Imports from GSP-eligible countries:				
Total	75,105	64	100	11
Turkey	70,036	60	93	10

^aNot applicable.

U.S. Imports and Exports

Data for total U.S. imports and exports of the subject products are found in tables 4.3 and 4.4.

TABLE 4.3 Stranded copper wire: U.S. imports for consumption, by principal sources, 2004–08

Country	2004	2005	2006	2007	2008
			<i>In \$</i>		
Turkey	3,387,455	3,240,976	14,660,736	23,505,365	70,036,372
Israel	11,461,658	13,639,806	28,048,746	23,582,227	18,815,214
Canada	3,572,476	2,225,914	2,407,872	3,830,953	9,081,590
China	110,416	467,220	3,013,526	8,169,755	7,511,639
Germany	3,297,438	2,761,465	4,423,241	4,953,122	4,192,913
India	1,270,962	1,202,997	1,446,364	1,753,723	2,799,047
Thailand	0	0	0	0	1,300,170
Mexico	428,473	9,126,136	4,380,271	1,144,973	1,092,927
Colombia	0	0	0	846,997	617,980
France	366,337	283,289	317,181	335,922	377,985
All other	381,901	865,226	1,432,624	598,513	898,752
Total	24,277,116	33,813,029	60,130,561	68,721,550	116,724,589
Imports from GSP-eligible countries:					
Turkey	3,387,455	3,240,976	14,660,736	23,505,365	70,036,372
India	1,270,962	1,202,997	1,446,364	1,753,723	2,799,047
Thailand	0	0	0	0	1,300,170
Colombia	0	0	0	846,997	617,980
Peru	52,082	0	0	427,900	309,098
Ecuador	0	0	0	0	28,222
Philippines	16,143	0	3,195	5,525	10,482
South Africa	0	0	0	0	3,779
Brazil	17,124	0	0	0	0
All other	0	0	38,000	0	0
Total	4,743,766	4,443,973	16,148,295	26,539,510	75,105,150

Source: Official statistics of the U.S. Department of Commerce.

Note: As of February 1, 2009, the United States-Peru Trade Promotion Agreement became effective; therefore, Peru is no longer designated as a beneficiary country eligible for duty-free treatment under the provisions of the U.S. Generalized System of Preferences.

TABLE 4.4 Stranded copper wire: U.S. exports of domestic merchandise, by principal markets, 2004–08

Country	2004	2005	2006	2007	2008
			<i>In \$</i>		
Canada	17,559,522	21,120,429	24,246,472	44,555,134	46,779,849
Mexico	48,950,383	64,222,915	57,513,502	41,932,735	19,104,600
Honduras	6,283,677	16,252,039	17,629,349	10,556,879	6,320,722
Germany	3,647,423	2,878,830	4,135,276	8,606,165	5,291,243
Belgium	654,700	720,910	990,928	2,793,555	3,745,965
Saudi Arabia	96,890	6,999	616,274	1,719,841	3,514,114
Hong Kong	855,138	838,929	1,094,756	1,295,503	1,649,620
France	1,774,450	1,393,842	2,208,409	1,032,827	1,259,670
Japan	2,190,526	1,941,862	559,092	551,758	1,028,426
Bermuda	3,564	44,256	110,156	460,315	874,133
All other	8,096,947	11,583,484	9,141,381	12,682,998	11,559,948
Total	90,113,220	121,004,495	118,245,595	126,187,710	101,128,290

Source: Official statistics of the U.S. Department of Commerce.

Positions of Interested Parties⁹

Petitioner.—In its petition to the USTR and in submissions to the Commission, the IMMIB stated that a competitive need limit waiver is needed for Turkish companies to remain price competitive in the U.S. market, in light of increasing raw material, energy, and transportation costs. According to the IMMIB, the price of copper cathodes, the principal raw material used to produce stranded copper wire, has more than doubled in the past three years, causing serious supply disruptions.¹⁰ According to the IMMIB, while the price of raw materials has decreased in the last few months, the price of stranded copper wire has declined even faster, putting pressure on already thin profit margins.¹¹ The IMMIB stated that Turkey’s stranded copper wire exporters currently have very low profit margins, and that GSP eligibility allows Turkey to remain competitive in the U.S. market for stranded copper wire.

No other statements were received by the Commission in support of, or in opposition to, the proposed modifications to the GSP considered for this HTS subheading.

⁹ Except as noted, information provided in this section is derived from the petition filed with the USTR as well as hearing testimony and written submissions of interested parties to the Commission in connection with this investigation.

¹⁰ Arent Fox, LLP, on behalf of the IMMIB, written submission to the USITC, March 5, 2009, 6.

¹¹ *Ibid.*, 6, 14.

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APPENDIX A
USTR Request Letter and Letters to
Withdraw Petitions

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

DOCKET NUMBER
2644
Office of the Secretary Int'l Trade Commission

January 9, 2008

The Honorable Shara L. Aranoff, Chairman
United States International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

Dear Chairman Aranoff:

The Trade Policy Staff Committee (TPSC) has recently decided and will announce in the *Federal Register* the acceptance of certain petitions to grant waivers to competitive need limitations for specific products, which will be included in the 2008 Annual Review for modification of the Generalized System of Preferences (GSP). For the most part, modifications to the GSP which may result from this review will be announced in the spring of 2009 and become effective in the summer of 2009. In this connection, I am requesting the advice described below.

Under authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, I request, in accordance with section 503(d)(1)(A) of the Trade Act of 1974 (the "1974 Act"), that the Commission provide advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for the country specified with respect to the articles in the enclosed Annex. Further, in accordance with section 503(c)(2)(E) of the 1974 Act, I request that the Commission provide advice with respect to whether like or directly competitive products were being produced in the United States on January 1, 1995. I also request that the Commission provide advice as to the probable economic effect on total U.S. imports, as well as on consumers, of the petitioned waivers. With respect to the competitive need limit in section 503(c)(2)(A)(i)(I) of the 1974 Act, the Commission is requested to use the dollar value limit of \$135,000,000.

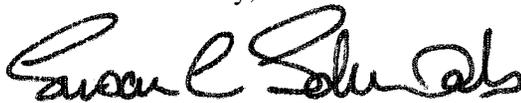
Please provide the requested advice by no later than 90 days from receipt of this letter. To the maximum extent possible, please provide the probable economic effect advice and statistics (profile of the United States industry and market and United States import and export data) and any other relevant information or advice separately and individually for each Harmonized Tariff Schedule subheading for all the cases in this investigation.

I direct you to mark as "Confidential" those portions of the Commission's report and related working papers that contain the Commission's advice on the probable economic effect on United States industries producing like or directly competitive articles and on consumers. All other parts of the report are unclassified, but the overall classification marked on the front and back covers of the report should be "Confidential" to conform with the confidential sections contained therein. All business confidential information contained in the report should be clearly identified.

When the Commission's confidential report is provided to my Office, please issue, as soon as possible thereafter, a public version of the report containing only the unclassified sections, with any business confidential information deleted.

The Commission's assistance in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Schwab". The signature is written in a cursive, flowing style with a large initial "S".

Susan C. Schwab

Annex

The Harmonized Tariff Schedule of the United States (HTS) subheadings listed below have been accepted as product petitions for the 2008 Generalized System of Preferences (GSP) Annual Review for modification of the (GSP). The tariff nomenclature in the HTS for the subheadings listed below are definitive; the product descriptions in this list are *for informational purposes only* (except in those cases where only part of a subheading is the subject of a petition). The descriptions below are not intended to delimit in any way the scope of the subheading. The HTS may be viewed on <http://www.usitc.gov/tata/index.htm>.

Petitions for waiver of competitive need limitations for a product on the list of eligible products for the Generalized System of Preferences

Case No.	HTS Subheading	Brief Description	Petitioner
2008-14	2922.41.00 (Brazil)	Amino-naphthols and amino-phenol, their ethers, esters, except those with more than one kind of oxygen function; and salts thereof, nesoi	FIESP--Federation of Industries of the State of Sao Paulo, Brazil
2008-15	3907.60.00 (Indonesia)	Polyethylene terephthalate in primary forms	PT Indorama Synthetics Tbk. and PT Polypet Karyapersada; Government of Indonesia supporting
2008-16	4107.91.80 (Argentina)	Full grain unsplit bovine (not buffalo) & equine leather, not whole, w/o hair on, nesoi, fancy, prepared after tanning or crusting, not 4114	Tanned Leather Trade Association (Camara de la Industria Curtidora Argentina (CICA) and Government of Argentina supporting
2008-17	7202.41.00 (India)	Ferrochromium containing by weight more than 4 percent of carbon	Indian Ferro Alloy Producers Association with additional petitions/letters supporting

2008-18	7202.99.20 (Argentina)	Calcium silicon ferroalloys	Government of Argentina and Camara Argentina de Ferroaleaciones y Aleaciones Especiales (Ferroalloy Assn)
2008-19	7413.00.10 (Turkey)	Copper, stranded wire, not electrically insulated, not fitted with fittings and not made up into articles	Istanbul Metal and Minerals Exporters Association (IMMIB)

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

Ms. Lyn M. Schlitt
Director, Office of External Relations
U.S. International Trade Commission
Room 716
500 E Street, SW
Washington, DC 20436

March 3, 2009

332-506

Dear Ms. Schlitt:

The Acting USTR Peter Allgeier has asked me to advise the U.S. International Trade Commission (USITC) of the petitioners' withdrawal of the following petition for a waiver of the competitive need limitations under the Generalized System of Preferences program:

Accepted case 2008-18: 7202.99.20 Calcium silicon ferroalloys submitted by the Government of Argentina and Camara Argentina de Ferroaleaciones y Aleaciones Especiales (CAFAE)

Therefore, the Acting USTR withdraws the January 9, 2009 request of Ambassador Susan C. Schwab (see attached letter) for the USITC to provide the probable economic effect advice on the U.S. industries producing like or directly competitive articles with the tariff line indicated above.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Elena Bryan
Acting Assistant U.S. Trade Representative for
Trade and Development

Attachment

2009 MAR -3 PM 3:13

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

Ms. Lyn M. Schlitt
Director, Office of External Relations
U.S. International Trade Commission
Room 716
500 E Street, SW
Washington, DC 20436

March 9, 2009

332-506

Dear Ms. Schlitt:

Acting United States Trade Representative Peter Allgeier has asked me to advise the U.S. International Trade Commission (USITC) of the petitioners' withdrawal of the following two petitions for a waiver of the competitive need limitations under the Generalized System of Preferences program:

1. Accepted case 2008-17: 7202.41.00 Ferrochromium containing by weight more than 4 percent of carbon, submitted by the Indian Ferro Alloy Producers Association (IFAPA), and
2. Accepted case 2008-14: 2922.41.00 Amino-naphtols and amino-phenol, their ethers, esters, except those with more than one kind of oxygen function; and salts thereof, nesoi, submitted by the Federation of Industries of the State of Sao Paulo, Brazil (FIESP).

Therefore, with respect to the tariff lines indicated above, the Acting USTR withdraws the January 9, 2009, request of Ambassador Susan C. Schwab (see attached letter) for the USITC to provide advice on whether any industry in the United States is likely to be adversely affected by a waiver, whether like or directly competitive products were being produced in the United States on January 1, 1995, and the probable economic effect of a waiver on total U.S. imports and on U.S. consumers.

Should you have any questions, please do not hesitate to contact me.

Sincerely,


Mary Estelle Ryckman
Assistant U.S. Trade Representative for
Trade and Development

2009 MAR 10 AM 12:23
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

Attachment

APPENDIX B

***Federal Register* Notice of Institution and Notice to Change the Scope of the Investigation**

DATES: February 2, 2009, commencing at 8:30 a.m. and adjourning February 3, 2009, at Noon.

Contact: Dr. David Applegate, U.S. Geological Survey, MS 905, 12201 Sunrise Valley Drive, Reston, Virginia 20192, (703) 648-6714, applegate@usgs.gov.

Suzette Kimball,

Associate Director for Geology.

[FR Doc. E9-1782 Filed 1-27-09; 8:45 am]

BILLING CODE 4311-AM-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-956-1420-BJ-TRST] Group No. 194, Minnesota

Eastern States: Filing of Plat of Survey

AGENCY: Bureau Of Land Management, Interior.

ACTION: Notice of Filing of Plat of Survey; Minnesota.

SUMMARY: The Bureau of Land Management (BLM) will file the plat of survey of the lands described below in the BLM-Eastern States, Springfield, Virginia, 30 calendar days from the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153. Attn: Cadastral Survey.

SUPPLEMENTARY INFORMATION: This survey was requested by the Bureau of Indian Affairs.

The lands we surveyed are:

Fifth Principal Meridian, Minnesota

T. 145 North, R. 37 West

The plat of survey represents the dependent resurvey of a portion of the subdivisional lines and the dependent resurvey and survey of the subdivision of section 34 of Township 145 North, Range 37 West, of the Fifth Principal Meridian, in the State of Minnesota, and was accepted January 16, 2009. We will place a copy of the plat we described in the open files. It will be available to the public as a matter of information.

If BLM receives a protest against this survey, as shown on the plat, prior to the date of the official filing, we will stay the filing pending our consideration of the protest.

We will not officially file the plat until the day after we have accepted or dismissed all protests and they have become final, including decisions on appeals.

Dated: January 21, 2009.

Dominica Van Koten,

Chief Cadastral Surveyor.

[FR Doc. E9-1795 Filed 1-27-09; 8:45 am]

BILLING CODE 4310-GJ-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332-506]

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Competitive Need Limit Waivers

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of hearing.

SUMMARY: Following receipt of a request on January 12, 2009 from the United States Trade Representative (USTR) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)), the U.S. International Trade Commission (Commission) instituted investigation No. 332-506, *Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Competitive Need Limit Waivers*.

DATES: *February 4, 2009:* Deadline for filing requests to appear at the public hearing.

February 6, 2009: Deadline for filing pre-hearing briefs and statements.

February 27, 2009: Public hearing.

March 6, 2009: Deadline for filing post-hearing briefs and statements and other written submissions.

April 13, 2009: Transmittal of report to the Office of the United States Trade Representative.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT:

Information specific to this investigation may be obtained from Eric Land, Project Leader, Office of Industries (202-205-3349 or eric.land@usitc.gov) or Gail Burns, Deputy Project Leader, Office of Industries (202-205-2501 or gail.burns@usitc.gov). For information

on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202-205-3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202-205-1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Background: As requested by the USTR, under the authority delegated by the President, pursuant to section 332(g) of the Tariff Act of 1930, and in accordance with sections 503(d)(1)(A) of the Trade Act of 1974 (1974 Act) (19 U.S.C. 2463(d)(1)(A)), the Commission will provide advice on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limits specified in section 503(c)(2)(A) of the 1974 Act for the following countries and articles provided for in the noted subheadings of the Harmonized Tariff System (HTS): Argentina for HTS subheading 4107.91.80 and 7202.99.20; Brazil for HTS subheading 2922.41.00; India for HTS subheading 7202.41.00; Indonesia for HTS subheading 3907.60.00; and Turkey for HTS subheading 7413.00.10. As requested, the Commission will also provide advice in accordance with section 503(c)(2)(E) of the 1974 Act with respect to whether like or directly competitive products were being produced in the United States on January 1, 1995. In addition, as requested, the Commission will provide advice as to the probable economic effect on total U.S. imports, and on consumers, of the petitioned waivers. As requested by the USTR, the Commission will use the dollar value limit of \$135,000,000 for purposes of section 503(c)(2)(A)(i)(I) of the 1974 Act.

As requested by the USTR, the Commission will provide its advice by April 13, 2009. The USTR indicated that those sections of the Commission's report and related working papers that contain the Commission's advice will be classified as "confidential."

Public Hearing: A public hearing in connection with this investigation will be held at the U.S. International Trade Commission Building, 500 E Street, SW., Washington, DC, beginning at 9:30 a.m. on February 27, 2009. Requests to

appear at the public hearing should be filed with the Secretary no later than 5:15 p.m. February 4, 2009. Any pre-hearing briefs and other statements relating to the hearing should be filed with the Secretary not later than 5:15 p.m. February 6, 2009, and all post-hearing briefs and statements and any other written submissions should be filed with the Secretary not later than 5:15 p.m. March 6, 2009. All requests to appear and pre- and post-hearing briefs and statements must be filed in accordance with the requirements in the "Written Submissions" section below. In the event that, as of the close of business on February 4, 2009, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Persons interested in learning whether the hearing has been cancelled should call the Office of the Secretary after February 4, 2009, at 202-205-2000.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All such submissions should be addressed to the Secretary and should be received not later than 5:15 p.m. March 6, 2009 (see earlier dates for filing requests to appear and for filing pre-hearing briefs and statements). All written submissions must conform with the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 requires that a signed original (or a copy so designated) and fourteen (14) copies of each document be filed. In the event that confidential treatment of a document is requested, at least four (4) additional copies must be filed in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). The Commission's rules authorize filing submissions with the Secretary by facsimile or electronic means only to the extent permitted by section 201.8 of the rules (see Handbook for Electronic Filing Procedures, http://www.usitc.gov/secretary/fed_reg_notices/rules/documents/handbook_on_electronic_filing.pdf). Persons with questions regarding electronic filing should contact the Secretary (202-205-2000). Any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether

they are the "confidential" or "non-confidential" version, and that the confidential business information be clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available in the Office of the Secretary to the Commission for inspection by interested parties. The Commission may include some or all of the confidential business information submitted in the course of the investigation in the report it sends to the USTR.

As requested by the USTR, the Commission will publish a public version of the report, which will exclude portions of the report that the USTR has classified as well as any business confidential information.

By order of the Commission.
Issued: January 23, 2009.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9-1774 Filed 1-27-09; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Lodging of Settlement Agreement

Notice is hereby given that the U.S. Department of Justice proposes to enter into a settlement agreement with Shell Oil Company and Motiva Enterprises, LLP (collectively, "the Shell entities") regarding a portion of the Southeast Federal Center in Washington, DC.

The United States alleges that the Shell entities are liable to the United States for damages and cleanup costs incurred in connection with benzene, toluene, ethylbenzene and xylene contamination found in and around soil and groundwater beneath a portion of the Southeast Federal Center. The United States alleges that the contamination originated from leaking underground storage tanks located at a former filling station adjacent to the contamination. Under the settlement agreement, the Shell entities will pay \$2.1 million to the United States and will monitor groundwater in accordance with a plan previously approved by the U.S. Environmental Protection Agency.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the settlement agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S.

Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Motiva Enterprises, LLP*, D.J. Ref. 90-7-1-08569.

The Settlement Agreement may be examined at the General Services Administration, National Capital Region, 7th and D Streets, SW., Suite 7048, Washington, DC 20407. Visitors should make an appointment with Kathleen Ryan by calling (202) 708-5155. During the public comment period, the settlement agreement, may also be examined on the following Department of Justice Web site, http://www.usdoj.gov/enrd/Consent_Decrees.html. A copy of the settlement agreement may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood (tonia.fleetwood@usdoj.gov), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$23.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

Robert Brook,

Assistant Chief, Environmental Enforcement Section Environment and Natural Resources Division.

[FR Doc. E9-1776 Filed 1-27-09; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140-NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-Day Notice of Information Collection Under Review: Student and Supervisor Training Validation Surveys.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until March 30, 2009. This

KENTUCKY**Fulton County**

Whitesell, Jesse, Farm (Boundary Increase), KY 116, W of Purchase Parkway, Fulton vicinity, 06001200, Listed, 2/04/09

Larue County

Buffalo School, 50 School Loop, Buffalo, 09000005, Listed, 2/05/09

MAINE**York County**

District No. 5 School, 781 Gore Rd., Alfred, 09000015, Listed, 2/04/09

MISSOURI**Christian County**

Ozark Courthouse Square Historic District, Portions of 2nd. Ave., Church, Elm, and 2nd Sts. on the Courthouse Square, Ozark, 08001409, Listed, 2/05/09

St. Louis Independent City

Wellston J.C. Penney Building, 5930 Dr. Martin Luther King Dr., St. Louis, 08001410, Listed, 2/05/09

NEW HAMPSHIRE**Hillsborough County**

Union Chapel, 220 Sawmill Rd., Hillsborough, 08001411, Listed, 2/03/09

NORTH CAROLINA**Gaston County**

McAdenville Historic District, 100–413 Main St., Elm and Poplar Sts., and cross sts. from I–85 to S. Fork of Catawba River, McAdenville, 08001412, Listed, 2/05/09

Madison County

Hot Springs Historic District, Roughly bounded by Bridge St., Andrews Ave. S. and Meadow Ln., Hot Springs, 08001413, Listed, 2/05/09

New Hanover County

Westbrook-Ardmore Historic District, Bounded by Dock St., Wrightsville Ave., Queen and Lingo Sts., and by S. 14th St., Wilmington, 08001414, Listed, 2/05/09

Wake County

Mary Elizabeth Hospital, 1100 Wake Forest Rd., Raleigh, 08001415, Listed, 2/05/09

TENNESSEE**Obion County**

Whitesell, Jesse Farm (Boundary Increase), KY 116 W of Purchase Pkwy., Fulton vicinity, 06001199, Listed, 2/04/09

UTAH**Summit County**

Boyden Block, 2 S. Main St., Coalville, 09000019, Listed, 2/06/09

[FR Doc. E9–6181 Filed 3–20–09; 8:45 am]

BILLING CODE

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–506]

Advice Concerning Possible Modifications to the U.S. Generalized System of Preferences, 2008 Review of Competitive Need Limit Waivers

AGENCY: United States International Trade Commission.

ACTION: Change in scope of investigation.

SUMMARY: At the direction of the Acting United States Trade Representative (USTR) in letters received on March 3, 2009 and March 10, 2009, the U.S. International Trade Commission (Commission) has terminated its investigation with respect to the following articles, and will not provide advice with respect to these articles:

Calcium silicon ferroalloys (HTS subheading 7202.99.20) from Argentina (USTR accepted case 2008–18).

Amino-naphthols and amino-phenol, their ethers, esters, except those with more than one kind of oxygen function; and salts thereof, nesoi (HTS subheading 2922.41.00) from Brazil (USTR accepted case 2008–14).

Ferrocromium containing by weight more than 4 percent of carbon (HTS subheading 7202.41.00) from India (USTR accepted case 2008–17).

The letters stated that the petitions requesting waivers of the competitive need limit for the subject articles have been withdrawn. All other information and due dates relating to this investigation remain the same as previously announced by the Commission, and the Commission expects to transmit its report containing its advice to the USTR by April 13, 2009.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street, SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://www.usitc.gov/secretary/edis.htm>.

FOR FURTHER INFORMATION CONTACT: Information may be obtained from Eric Land, Project Leader, Office of Industries (202–205–3349 or eric.land@usitc.gov) or Gail Burns, Deputy Project Leader, Office of Industries (202–205–2501 or gail.burns@usitc.gov). For information

on the legal aspects of the investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or william.gearhart@usitc.gov). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or margaret.olaughlin@usitc.gov). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS–ONLINE) at <http://www.usitc.gov/secretary/edis.htm>. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: The Commission instituted its investigation on January 23, 2009, following receipt of a letter from the USTR on January 12, 2009. Notice of institution of the investigation and the scheduling of a public hearing, which was held on February 27, 2009, was published in the **Federal Register** of January 28, 2009 (74 FR 4974).

Issued: March 17, 2009.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. E9–6166 Filed 3–20–09; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE**Foreign Claims Settlement Commission****Commencement of Claims Programs**

AGENCY: Foreign Claims Settlement Commission of the United States.

ACTION: Notice.

SUMMARY: This notice announces the commencement by the Foreign Claims Settlement Commission (“Commission”) of a program for adjudication of a certain category of claims of United States nationals against the Government of Libya, as defined below, which were settled under the “Claims Settlement Agreement Between the United States of America and the Great Socialist People's Libyan Arab Jamahiriya” (“Claims Settlement Agreement”) effective August 14, 2008.

DATES: These claims can now be filed with the Commission and the deadline for filing will be July 23, 2009. The

APPENDIX C
Calendar of Witnesses for February 27, 2009,
Hearing

ORGANIZATION AND WITNESS:

PANEL 1 (continued)

PET Resin (continued)

Kalik Lewin
Bethesda, MD
on behalf of

(In Support of Granting CNL Waiver)

P.T. Indorama Synthetics (“Indorama”)

Martin Lewin) – OF COUNSEL

Kelley Drye & Warren LLP
Washington, D.C.
on behalf of

(In Opposition to Granting CNL Waiver)

PET Resin Coalition

Hans P. Kinner, Director, Performance Polymers
Business Group, Eastman Chemical Company

Gina Beck, Economist, Georgetown Economic
Services, LLC

Kathleen W. Cannon) – OF COUNSEL

ORGANIZATION AND WITNESS:

PANEL 2

Stranded Copper Wire

Arent Fox LLP
Washington, D.C.
on behalf of

(In Support of Granting CNL Waiver)

Istanbul Mineral and Metal Exporters' Association ("IMMIB")

Sule Akyuz

) – OF COUNSEL

-END-

APPENDIX D

Model for Evaluating the Probable Economic Effects of Changes in the GSP

**MODEL FOR EVALUATING THE
PROBABLE ECONOMIC EFFECT OF CHANGES IN GSP STATUS**

* * * * *