

Dated: October 23, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E8-25827 Filed 10-28-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews and Deferral of Administrative Review

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

**SUMMARY:** The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with September anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received a request to defer the initiation of an administrative review for one antidumping duty order.

**EFFECTIVE DATE:** October 29, 2008.

**FOR FURTHER INFORMATION CONTACT:** Sheila E. Forbes, Office of AD/CVD Operations, Customs Unit, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-4697.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b) (2007), for administrative reviews of various antidumping and countervailing duty orders and findings with September anniversary dates. The Department also received a request in accordance with 19 CFR 351.213(c) to defer for one year the initiation of the August 1, 2008 through July 31, 2008, antidumping duty administrative review of the antidumping duty order on Floor-Standing Metal-Top Ironing Tables from the People's Republic of China.

##### Notice of No Sales

Under 19 CFR 351.213(d)(3), the Department may rescind a review where there are no exports, sales, or entries of subject merchandise during the respective period of review listed below. If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review, it should notify the Department

within 30 days of publication of this notice in the **Federal Register**. The Department will consider rescinding the review only if the producer or exporter, as appropriate, submits a properly filed and timely statement certifying that it had no exports, sales, or entries of subject merchandise during the period of review. All submissions must be made in accordance with 19 CFR 351.303 and are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Six copies of the submission should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230. Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on every party on the Department's service list.

##### Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR). We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of this initiation notice and to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice. The Department invites comments regarding the CBP data and respondent selection within 10 calendar days of publication of this **Federal Register** notice.

##### Separate Rates

In proceedings involving non-market economy (NME) countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the*

*People's Republic of China*, 56 FR 20588 (May 6, 1991) (Sparklers), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*).

In accordance with the separate-rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate-rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate-rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate-rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's website at <http://www.trade.gov/ia> on the date of publication of this **Federal Register**. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

For entities that have not previously been assigned a separate rate, to demonstrate eligibility for such, the Department requires a Separate Rate Status Application.

The Separate Rate Status Application will be available on the Department's website at <http://www.trade.gov/ia> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 60 calendar days of publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

**INITIATION OF REVIEWS:**

In accordance with sections 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend

to issue the final results of these reviews not later than September 30, 2009. Also, in accordance with 19 CFR 351.213(c) we are deferring for one year the initiation of the August 1, 2007 through July 31, 2008 administrative

review of the antidumping duty order on Floor-Standing Metal-Top Ironing Tables from the People's Republic of China (A-570-888) with respect to one exporter.

Antidumping Duty Proceedings	Period to be Reviewed
<b>INDIA: Certain Lined Paper Products.</b> A-533-843 ..... Agility Logistics Pvt. Ltd.. Blue Bird India Ltd.. Ceal Shipping Logistics Pvt. Ltd.. Cello International Pvt. Ltd.. Corporate Stationary Pvt. Ltd.. Creative Divya. Exel India Pvt. Ltd.. FFI International. Global Art India Inc.. International Greetings Pvt. Ltd.. Karim General Handmade Paper DIAR. Kejriwal Paper Limited. M/S Super ImpEx. Magic International. Marigold ExIm Pvt. Ltd.. Marisa International. Navneet Publications (India) Ltd.. Pentagon Waterlines Pvt. Ltd.. Pioneer Stationery Pvt. Ltd.. Rajvansh International. Ria ImpEx Pvt. Ltd.. Riddhi Enterprises. SAB International. TKS Overseas. Unlimited Accessories Worldwide. V. Joshi Co..	9/1/07 - 8/31/08
<b>THE PEOPLE'S REPUBLIC OF CHINA: Certain Lined Paper Products<sup>1</sup>.</b> A-570-901 ..... Watanabe Group (consisting of the following companies): Watanabe Paper Products (Shanghai) Co., Ltd.. Watanabe Paper Products (Linqing) Co., Ltd.. Hotrock Stationery (Shenzhen) Co., Ltd.. Shanghai Lian Li Paper Products Co., Ltd..	9/1/07 - 8/31/08
<b>THE PEOPLE'S REPUBLIC OF CHINA: Freshwater Crawfish Tail Meat<sup>2</sup>.</b> A-570-848 ..... Shanghai Now Again International Trading Co., Ltd.. Xiping Opeck Food Co., Ltd.. Yancheng Hi-King Agriculture Developing Co., Ltd..	9/1/07 - 8/31/08
<b>Countervailing Duty Proceedings.</b> <b>INDIA: Certain Lined Paper Products.</b> C-533-844 ..... Blue Bird India Ltd.. Navneet Publications (India) Ltd..	1/1/07 - 12/31/07
<b>Suspension Agreements.</b> None.. <b>Deferral of Initiation of Administrative Review.</b> <b>PEOPLE'S REPUBLIC OF CHINA: Floor-Standing Metal-Top Ironing Tables.</b> A-570-888 ..... Since Hardware (Guangzhou) Co., Ltd. <sup>3</sup>	8/1/07 - 7/31/08

<sup>1</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of certain lined paper products from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

<sup>2</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of freshwater crawfish tail meat from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

<sup>3</sup> In the initiation notice that published on 09/30/2008 (73 FR 56795), we inadvertently overlooked Since Hardware's request for deferral of initiation for the 2007-2008 administrative review. We hereby correct this oversight and are deferring the initiation of this review, pursuant to 19 CFR 351.213(c).

During any administrative review covering all or part of a period falling between the first and second or third

and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a

determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset

review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia v. United States*, 291 F.3d 806 (Fed. Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Act, (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(I).

Dated: October 23, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904; NAFTA Panel Reviews: Notice of Completion of Panel Review

**AGENCY:** NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Completion of Panel Review of the final injury determination in the five year antidumping review by the U.S. International Trade Commission, in the matter of Stainless Steel Sheet and Strip from Mexico, Secretariat File No. USA-MEX-2005-1904-06.

**SUMMARY:** Pursuant to the Order of the Binational Panel dated September 10, 2008, affirming the final determination described above, the panel review was completed on September 22, 2008.

**FOR FURTHER INFORMATION CONTACT:** Marsha Ann Y. Iyomasa, Deputy United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, NW., Washington, DC 20230, (202) 482-5438.

**SUPPLEMENTARY INFORMATION:** On September 10, 2008, the Binational Panel issued an order affirming the final determination of the United States

International Trade Commission (ITC) concerning stainless steel sheet and strip from Mexico. The Secretariat was instructed to issue a Notice of Completion of Panel Review on the 31st day following the issuance of the Notice of Final Panel Action, if a request for an Extraordinary Challenge was not filed. No such request was filed. Therefore, on the basis of the Panel Order and Rule 80 of the *Article 1904 Panel Rules*, the Panel Review was completed and the panelists discharged from their duties effective October 23, 2008.

Dated: October 23, 2008.

**Marsha Ann Y. Iyomasa,**

*Deputy United States Secretary, NAFTA Secretariat.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Withdrawal of Application for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), the Department of Commerce determines whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 2104, Statutory Import Programs Staff, U.S. Department of Commerce 14th and Constitution Ave., NW, Room 2104 Washington, D.C. 20230.

**Docket Number:** 08-046. Applicant: Rice University, 6100 Main Street MS-61, Houston, TX 77005. Instrument: Gemstar camera with photon counting sensitivity. Manufacturer: Photonic Science, United Kingdom. Intended Use: The instrument is intended to be used to record x-ray diffraction from lipidic structures. Application accepted by Commissioner of Customs and Border Protection: August 22, 2008. The Department of Commerce received the Rice University application from Customs and Border Protection on September 2, 2008. The application was reviewed and the Department determined that the application did not have sufficient information for the Department to determine whether an equivalent instrument was being produced in the United States. In accordance with section 301.5(a)(2), the Department contacted the University to

afford them an opportunity to supplement the application by providing further information regarding the purpose of the instrument and whether an equivalent instrument was being produced in the United States. Rice University then informed the Department that they had discovered price was the determining factor in selecting the instrument. The University decided to withdraw the application for the x-ray Gemstar Camera with Photon counting sensitivity since they had been made aware that price could not be considered a pertinent specification in the comparison of instruments, in accordance with section 301.2(s).

Therefore, the Department of Commerce had discontinued the processing of this application, in accordance with section 301.5(g) of the regulations. See 15 CFR 301.5(g).

**Faye Robinson,**

*Director, Statutory Import Programs Staff, Import Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-AW65**

#### Atlantic Highly Migratory Species; Atlantic Shark Management Measures

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Extension of comment period.

**SUMMARY:** In order to provide additional opportunities for the public, the Atlantic Regional Fishery Management Councils, the Atlantic and Gulf States Marine Fisheries Commissions, and other interested parties to comment on the Notice of Intent (NOI) and issues and options scoping presentation for Amendment 3 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP), NMFS is extending the scoping comment period for this action. On May 7, 2008, NMFS published an NOI to initiate an amendment to the 2006 Consolidated HMS FMP, including an Environmental Impact Statement. On July 2, 2008, NMFS published a notice that announced the availability of an issues and options scoping presentation describing potential measures for inclusion in Amendment 3 to the 2006 Consolidated HMS FMP and provided