

*Estimated Number of Respondents:* 19,000.

*Estimated Time per Response:* 5 minutes.

*Estimated Total Annual Burden Hours:* 1,583.

*Estimated Total Annual Cost to Public:* None.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 21, 2008.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E8-28215 Filed 11-26-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-570-896)

#### **Magnesium Metal from the People's Republic of China: Notice of Rescission of the 2007-2008 Administrative Review of the Antidumping Duty Order**

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

**EFFECTIVE DATE:** November 28, 2008.

**FOR FURTHER INFORMATION CONTACT:** Demitrios Kalogeropoulos, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4295.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

On April 1, 2008, the Department of Commerce ("the Department")

published a notice of opportunity to request an administrative review of the antidumping duty order on magnesium metal from the People's Republic of China ("PRC"). See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 17317 (April 1, 2008). On April 30, 2008, Tianjin Magnesium International Co., Ltd. ("TMI") requested that the Department conduct an administrative review of TMI's exports to the United States for the period of review ("POR") April 1, 2007, through March 31, 2008. Pursuant to this request, the Department published a notice of the initiation of the administrative review of the antidumping duty order on magnesium metal from the PRC. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 73 FR 31813 (June 4, 2008).

#### **Rescission of Review**

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of the notice of initiation. On September 2, 2008, TMI timely withdrew its request for a review, and no other interested party requested a review of this company. Therefore, the Department is rescinding this administrative review of the antidumping duty order on magnesium metal from the PRC covering the period April 1, 2007, through March 31, 2008, in accordance with 19 CFR 351.213(d)(1).

#### **Assessment**

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the publication of this notice in the **Federal Register**.

#### **Notification to Interested Parties**

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Pursuant to 19 CFR 351.402(f)(3), failure to comply

with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO, in accordance with 19 CFR 351.305 and as explained in the APO itself. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: November 20, 2008.

**Stephen J. Claeys,**

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

[FR Doc. E8-28318 Filed 11-26-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(A-570-851)

#### **Certain Preserved Mushrooms from the People's Republic of China: Amended Final Results Pursuant to Final Court Decision**

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

**SUMMARY:** On September 16, 2008, the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department's) results of redetermination pursuant to the CIT's remand, whereby the Department, in accordance with the CIT's instructions: (1) recalculated the assessment rate for Gerber Food (Yunnan) Co., Ltd. (Gerber) using a rate other than the PRC-wide rate as partial adverse facts available (AFA) with respect to certain period of review (POR) sales of subject merchandise produced by Gerber for which the customs entry documentation identified Green Fresh (Zhangzhou) Co., Ltd. (Green Fresh) as the exporter; and (2) recalculated the assessment rate for Green Fresh based on the data it reported, exclusive of the aforementioned transactions, without resorting to facts available or adverse inferences. As there is now a final and conclusive court decision in this case,

the Department is amending the final results of the 2001–2002 administrative review of certain preserved mushrooms from the People's Republic of China (PRC).

**EFFECTIVE DATE:** November 28, 2008.

**FOR FURTHER INFORMATION CONTACT:**

Brian Smith, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC, 20230; telephone (202) 482–1766.

**SUPPLEMENTARY INFORMATION:**

**Background**

On July 11, 2003, the Department published its final results of administrative review, covering the period of review from February 1, 2001, through January 31, 2002. *See Certain Preserved Mushrooms From the People's Republic of China: Final Results and Partial Rescission of the New Shipper Review and Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review*, 68 FR 41304 (July 11, 2003) (*Final Results*), and accompanying Issues and Decision Memorandum. In the *Final Results*, the Department applied total AFA in calculating the cash deposit and assessment rates for respondents Gerber and Green Fresh, pursuant to sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act). *See Final Results*, 68 FR at 41306, and accompanying Issues and Decision Memorandum at Comment 1. The Department found that Gerber and Green Fresh were involved in a business arrangement during the POR that resulted in the circumvention of the proper payment of cash deposits on certain POR entries of subject merchandise made by Gerber. *Id.* As total AFA, the Department applied the PRC-wide rate of 198.63 percent to both companies. Gerber and Green Fresh challenged the Department's resorting to total AFA to determine their cash deposit and assessment rates for the POR in the *Final Results* before the CIT.

On July 18, 2005, the CIT concluded that the Department exceeded its statutory authority by rejecting all data relevant to antidumping assessment rates submitted by the two companies. *See Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 05–84 (July 18, 2005). Therefore, the CIT remanded this case to the Department.

On November 30, 2005, the Department issued its Results of Redetermination Pursuant to Court Remand (First Remand Redetermination). In the First Remand

Redetermination, the Department modified its original final results margin calculations for both companies by applying partial, instead of total, AFA.

On May 24, 2007, the CIT issued the Department a second remand. *See Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 07–85 (May 24, 2007) (*Gerber v. United States II*). In its decision, the CIT agreed with the Department that both Gerber and Green Fresh had failed to cooperate to the best of their abilities in the above-referenced review. With regard to Gerber, the CIT affirmed that the Department was justified in resorting to AFA for the 24 sales for which Gerber used Green Fresh invoices. However, the CIT instructed the Department to use a different AFA rate for those 24 sales for purposes of calculating cash deposit and assessment rates for Gerber. With regard to Green Fresh, the CIT instructed the Department to revisit its basis for resorting to partial AFA because the sales at issue were made by Gerber.

In accordance with the CIT's instructions, the Department issued its Results of Redetermination Pursuant to Court Remand on September 18, 2007. *See Results of Redetermination Pursuant to Remand*, dated September 18, 2007 (available at <http://ia.ita.doc.gov/remands>) (Second Remand Redetermination). In the Second Remand Redetermination, the Department recalculated the assessment rate for Gerber by applying partial AFA to the 24 sales made by Gerber during the POR which were exported to the United States using Green Fresh's invoices. The Department also recalculated the assessment rate for Green Fresh exclusive of the same 24 transactions in accordance with the CIT's instructions.

On September 16, 2008, the CIT issued its decision, affirming the Department's Second Remand Redetermination. *See Gerber Food (Yunnan) Co., Ltd. and Green Fresh (Zhangzhou) Co., Ltd. v. United States*, Slip Op. 08–97 (September 16, 2008) (*Gerber v. United States III*); and *Certain Preserved Mushrooms From the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review*, 73 FR 57322 (October 2, 2008).

The time period for appealing the CIT's decision has expired and no party has appealed the CIT's decision. Because there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2001–2002 administrative review.

**Amended Final Results of Review**

We are therefore amending the final results of the 2001–2002 administrative review of the antidumping duty order on certain preserved mushrooms from the PRC to abide by the CIT's decision with respect to the cash deposit and assessment rates applicable to Gerber and Green Fresh. Specifically, the Department's redetermination resulted in changes to the *Final Results* weighted-average margins for Gerber from 198.63 percent to 92.11 percent, and for Green Fresh from 84.26 percent to 31.55 percent.

**Assessment**

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries for this review. In accordance with 19 CFR 351.106(c), we will instruct CBP to assess antidumping duties on all appropriate entries for both companies if any importer-specific assessment rate calculated in the final results of this review is above *de minimis* (i.e., is not less than 0.50 percent *ad valorem*). We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

This notice is issued and published in accordance with sections 516A(e), 751(a)(1) and 777(i)(1) of the Act.

Dated: November 20, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8–28321 Filed 11–26–08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C–580–851]

**Dynamic Random Access Memory Semiconductors From the Republic of Korea: Extension of Time Limit for Final Results of the Countervailing Duty Administrative Review**

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

**DATES:** *Effective Date:* November 28, 2008.

**FOR FURTHER INFORMATION CONTACT:** Shane Subler at (202) 482–0189 or David Neubacher at (202) 482–5823; AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**