

Department to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). As a result, the Department is not issuing preliminary results for this changed circumstances review at this time.

The Department will publish in the **Federal Register** a notice of preliminary results of changed circumstances review in accordance with 19 CFR 351.221(b)(4) and 351.221(c)(3)(i), which will set forth the Department's preliminary factual and legal conclusions. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results. The Department will issue its final results of review in accordance with the time limits set forth in 19 CFR 351.216(e).

This notice is in accordance with section 751(b)(1) of the Act.

Dated: March 18, 2009.

**John M. Andersen,**

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

[FR Doc. E9-6438 Filed 3-23-09; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### North American Free-Trade Agreement, Article 1904 NAFTA Panel Reviews; Request for Panel Review

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

**ACTION:** Notice of First Request for Panel Review.

**SUMMARY:** On March 11, 2009, ThyssenKrupp Mexinox S.A. de C.V. and Mexinox USA, Inc. (collectively "Mexinox"), filed a First Request for Panel Review with the United States Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel Review was requested of the Final Results of the 2006-2007 Antidumping Duty Administrative Review, made by the International Trade Administration, respecting Stainless Steel Sheet and Strip in Coils from Mexico. This determination was published in the **Federal Register** (74 FR 6365), on February 9, 2009. The NAFTA Secretariat has assigned Case Number USA-MEX-2009-1904-02 to this request.

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

**SUPPLEMENTARY INFORMATION:** Chapter 19 of the North American Free-Trade Agreement ("Agreement") established a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada, and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the United States Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on March 11, 2009, requesting a panel review of the determination and order described above.

*The Rules provide that:*

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is April 10, 2009);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is April 27, 2009); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in panel review and the procedural and substantive defenses raised in the panel review.

Dated: March 19, 2009.

**Valerie Dees,**

*United States Secretary, NAFTA Secretariat.*  
[FR Doc. E9-6454 Filed 3-23-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

**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 February anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke one antidumping duty and one countervailing duty order in part.

**DATES:** Effective Date: March 24, 2009.

**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)(2004), for administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. With respect to the antidumping duty orders on Frozen Warmwater Shrimp from Brazil, India, Thailand, the People's Republic of China and the Socialist Republic of Vietnam, the initiation of the antidumping duty administrative review for these cases will be published in a separate initiation notice. The Department also received timely requests to revoke in part the antidumping duty order on Stainless Steel Bars from India with respect to one exporter and the countervailing duty order on Certain Cut-to-Length Carbon Quality Steel Plate from the Republic of Korea with respect to one exporter.

##### **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 (POR) listed below. If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, 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 POR. 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 and 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 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), 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). 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 Web site at <http://ia.ita.doc.gov/nme/nme-separate.html> on the date of publication of this **Federal Register** notice. 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.

Entities that currently do not have a separate rate from a completed segment of the proceeding<sup>1</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name<sup>2</sup>, should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at <http://ia.ita.doc.gov/nme/nme-separate.html> 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 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 February 28, 2010.

<sup>1</sup> Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently complete segment of the proceeding in which they participated.

<sup>2</sup> Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period to be reviewed
<b>Antidumping Duty Proceedings</b>	
<b>BRAZIL:</b>	
Stainless Steel Bar, A-351-825 .....	2/1/08-1/31/09
Villares Metals S.A.	
Frozen Warmwater Shrimp <sup>3</sup> , A-351-838 .....	2/1/08-1/31/09
<b>FRANCE:</b>	
Low Enriched Uranium <sup>4</sup> , A-427-818 .....	2/1/08-1/31/09 2/1/07-1/31/08 2/1/05-1/31/06
Eurodif S.A./AREVA NC (formerly known as Cogema)	
<b>INDIA:</b>	
Stainless Steel Bar, A-533-810 .....	2/1/08-1/31/09
Ambica Steels Limited	
Venus Wire Industries Pvt. Ltd.	
Frozen Warmwater Shrimp <sup>5</sup> , A-533-840 .....	2/1/08-1/31/09
<b>ITALY:</b>	
Certain Cut-to-Length Carbon-Quality Steel Plate, A-475-826 .....	2/1/08-1/31/09
Evraz Palini e Bertoli S.p.A.	
<b>JAPAN:</b>	
Carbon Steel Butt-Weld Pipe Fittings, A-588-602 .....	2/1/08-1/31/09
Benex Corporation	
Certain Cut-to-Length Carbon-Quality Steel Plate, A-588-847 .....	2/1/08-1/31/09
Kawasaki Steel Corporation (and its alleged successor-in-interest JFE Steel Corporation)	
<b>REPUBLIC OF KOREA:</b>	
Certain Cut-to-Length Carbon-Quality Steel Plate, A-580-836 .....	2/1/08-1/31/09
Daewoo International Corporation	
Dongkuk Steel Mill Co., Ltd.	
Hyosung Corporation	
Hyundai Mipo Dockyard Co., Ltd.	
JeongWoo Industrial Machine Co., Ltd.	
<b>THAILAND:</b> Frozen Warmwater Shrimp <sup>6</sup> , A-549-822 .....	2/1/08-1/31/09
<b>THE PEOPLE'S REPUBLIC OF CHINA:</b>	
Axes/Adzes <sup>7</sup> , A-570-803 .....	2/1/08-1/31/09
Greenguard Industry Co., Ltd.	
Frozen Warmwater Shrimp <sup>8</sup> , A-570-893 .....	2/1/08-1/31/09
<b>SOCIALIST REPUBLIC OF VIETNAM:</b> Frozen Warmwater Shrimp <sup>9</sup> , A-552-802 .....	2/1/08-1/31/09
<b>Countervailing Duty Proceedings</b>	
<b>REPUBLIC OF KOREA:</b>	
Certain Cut-to-Length Carbon-Quality Steel Plate, C-580-837 .....	1/1/08-12/31/08
Dongkuk Steel Mill Co., Ltd.	
<b>Suspension Agreements</b>	
None.	

During any administrative review covering all or part of a period falling

<sup>3</sup> The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

<sup>4</sup> The Department had previously deferred the initiation of the reviews for the 05/06 and 07/08 periods. See 71 FR 17077 (April 5, 2006) and 73 FR 16837 (March 31, 2008).

<sup>5</sup> The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

<sup>6</sup> The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

<sup>7</sup> If the above-named company does not qualify for a separate rate, all other exporters of Heavy Forged Hand Tools 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>8</sup> The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

<sup>9</sup> The initiation of the administrative review for the above referenced case will be published in a separate initiation notice.

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 S.p.A. 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. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures* (73 FR 3634). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (e.g., the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

These initiations and this notice are in accordance with section 751(a) of the Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: March 17, 2009.  
**John M. Andersen,**  
*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations,*  
 [FR Doc. E9-6347 Filed 3-23-09; 8:45 am]  
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**DEPARTMENT OF COMMERCE**  
**International Trade Administration**  
**Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty**

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

**EFFECTIVE DATE:** March 24, 2009.

**FOR FURTHER INFORMATION CONTACT:** Gayle Longest, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW,

Washington, DC 20230, telephone: (202) 482-3338.

**SUPPLEMENTARY INFORMATION:** Section 702 of the Trade Agreements Act of 1979 (as amended) (“the Act”) requires the Department of Commerce (“the Department”) to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of cheese subject to an in-quota rate of duty, as defined in section 702(h) of the Act, and to publish an annual list and quarterly updates to the type and amount of those subsidies. We hereby provide the Department’s quarterly update of subsidies on articles of cheese that were imported during the period October 1, 2008 through December 31, 2008.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h) of the Act) being provided either directly or indirectly by foreign governments on articles of cheese subject to an in-quota rate of duty.

The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available. The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the Act.

Dated: March 16, 2009.  
**John M. Andersen,**  
*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

**APPENDIX**  
**SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY**

Country	Program(s)	Gross <sup>1</sup> Subsidy (\$/lb)	Net <sup>2</sup> Subsidy (\$/lb)
27 European Union Member States <sup>3</sup>	European Union Restitution Payments	\$ 0.00	\$0.00
Canada	Export Assistance on Certain Types of Cheese	\$ 0.29	\$ 0.29
Norway	Indirect (Milk) Subsidy	\$ 0.00	\$ 0.00
	<i>Consumer Subsidy</i>	\$ 0.00	\$ 0.00
	Total	\$ 0.00	\$ 0.00
Switzerland	Deficiency Payments	\$ 0.00	\$ 0.00

<sup>1</sup> Defined in 19 U.S.C. 1677(5).

<sup>2</sup> Defined in 19 U.S.C. 1677(6).

<sup>3</sup> The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom.

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**DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**RIN 0648-XO01**  
**Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits**

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

**ACTION:** Notification of a proposal to conduct exempted fishing; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator), has made a preliminary determination that the subject Exempted Fishing Permit (EFP) application that was submitted by the Gulf of Maine Research Institute (GMRI) warrants further consideration and should be issued for public comment. The EFP would exempt participating vessels from the seasonal Atlantic herring (herring) Management Area 1A and Management Area 1B quota closures, seasonal Management Area 1A gear restrictions, and herring trip possession limits. The Assistant Regional Administrator has also made a

preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Herring Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made.

**DATES:** Comments must be received on or before April 8, 2009.

**ADDRESSES:** Comments may be submitted by e-mail to *herring.efp@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: “Comments on GMRI herring EFP.” Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the