

and machinery parts. Duty rates range between 0% and 8.5%. Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 27, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 11, 2009. A copy of the request will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230-0002, and in the "Reading Room" section of the Board's website, which is accessible via <http://www.trade.gov/ftz>. For further information, contact Diane Finver at [Diane\\_Finver@ita.doc.gov](mailto:Diane_Finver@ita.doc.gov), or (202) 482-1367.

Dated: April 17, 2009.

**Andrew McGilvray,**  
Executive Secretary.

[FR Doc. E9-9545 Filed 4-27-09; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request 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 March anniversary dates. We received a timely request to revoke one antidumping duty order in part. In accordance with the Department's regulations, we are initiating those administrative reviews.

**DATES:** *Effective Date:* April 27, 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), for administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. We also received a timely request to revoke in part the antidumping duty order on Certain Orange Juice from Brazil 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 initiation notice 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-sep-rate.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 Application will be available on the Department's Web site at <http://ia.ita.doc.gov/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate 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 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 section 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 March 31, 2010.

	Period to be Reviewed
<b>Antidumping Duty Proceedings</b>	
<b>Brazil:</b>	
Certain Hot-Rolled Carbon Steel Flat Products A-351-828 ..... Companhia Siderurgica Paulista. Usinas Siderurgicas de Minas Gerais.	3/1/08-2/28/09
Certain Orange Juice A-351-840 ..... Fischer S/A Agroindustria/Fischer S.A. Comercio, Industria, and Agricultura. Sucocitrico Cutrale SA.	3/1/08-2/28/09
<b>Germany:</b>	
Brass Sheet and Strip A-428-602 ..... Wieland-Werke AG.	3/1/08-2/28/09
<b>Thailand:</b>	
Circular Welded Carbon Steel Pipe and Tube A-549-502 ..... Saha Thai Steel Pipe (Public) Company, Ltd. Pacific Pipe Public Company Limited.	3/1/08-2/28/09
<b>The People's Republic of China:</b>	
Certain Preserved Mushrooms <sup>3</sup> A-570-851 ..... Fujian Yuxing Fruit & Vegetable Foodstuff Development Co., Ltd.	2/1/08-1/31/09
Certain Tissue Paper Products <sup>4</sup> A-570-894 .....	3/1/08-2/28/09
<b>Max Fortune Industrial Limited.</b>	
<b>Max Fortune (FETDE) Paper Products Co., Ltd.</b>	
<b>Seaman Paper Asia Company Limited.</b>	
<b>Sunlake Décor Co., Ltd.</b>	
Glycine <sup>5</sup> A-570-836 ..... Aditya Chemicals. Advance Exports. A.H.A. International Company, Ltd. Aico Laboratories Ltd. Ajinomoto Co., Inc. Amishi Drugs & Chemicals, Ltd. Amol Biotech Limited. Antai Bio-Tech Co., Limited. Baoding Mantong Fine Chemistry Co., Ltd. Beijing Jian Li Pharmaceutical Co., Ltd. Bimal Pharma, Pvt. Ltd. Bulk Medicines & Pharmaceuticals GmbH. CBC Co., Ltd. Changzhou Dahua Importer and Exporter Group. Chelest Corporation. Chem-Base (Nantong) Laboratories Company. CIBA Inc. China Jiangsu International. Degussa Rexim (Nanning) Pharmaceutical Co., Ltd. Dhow International. Du-Hope International Group. Euro Asian Industrial Co. Frezco Corporation. Generic Chemical Co. Ltd. Grand Overseas Economic Development Co., Ltd. Green Carbon Products Co., Ltd. Haerim Chemical Co. Ltd. Hayashi Pure Chemical Industries Co. Ltd.	3/1/08-2/28/09

<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.



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. 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 Tariff Act of 1930, as amended (19 U.S.C. 1765(a)), and 19 CFR 351.221(c)(1)(i).

<sup>3</sup> If the above-named company does not qualify for a separate rate, all other exporters of Certain Preserved Mushrooms 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. Also, this case was inadvertently omitted from the initiation notice that published on March 24, 2009 (74 FR 12310).

<sup>4</sup> If one of the above-named companies does not qualify for a separate rate, all other exporters of Certain Tissue 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>5</sup> If one of the above-named companies does not qualify for a separate rate, all other exporters of Glycine 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>6</sup> If one of the above-named companies does not qualify for a separate rate, all other exporters of

Dated: April 21, 2009.

**John M. Andersen,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-801]

#### Ball Bearings and Parts Thereof From Germany: Amended Final Results of Antidumping Duty Administrative Review Pursuant to a Court Decision

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

**SUMMARY:** On June 29, 2007, the United States Court of International Trade (CIT) affirmed the redetermination of the Department of Commerce (the Department) on voluntary remand of the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany. See *Paul Müller Industrie GmbH & Co. v. United States*, 502 F. Supp. 2d 1271 (CIT 2007). The Department is amending the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany covering the period of review May 1, 2002, through April 30, 2003, to reflect the CIT's order.

**DATES:** *Effective Date:* April 27, 2009.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun or Richard Rimlinger, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5760 or (202) 482-4477, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 15, 2004, the Department published the final results of the administrative review of the antidumping duty order on ball bearings and parts thereof from Germany for the period May 1, 2002, through April 30, 2003. See *Antifriction Bearings and Parts Thereof From France, et al.: Final Results of Antidumping Duty Administrative Reviews, Rescission of*

Sodium Hexametaphosphate 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.

*Administrative Reviews in Part, and Determination To Revoke Order in Part*, 69 FR 55574 (September 15, 2004) (*Final Results*). The Final Results were amended in *Ball Bearings and Parts Thereof From Germany; Amended Final Results of Antidumping Duty Administrative Review*, 69 FR 63507 (November 2, 2004) (*Amended Final Results*).

Paul Müller Industrie GmbH & Co. (Paul Müller) and Timken US Corporation<sup>1</sup> filed lawsuits challenging the *Final Results* as amended by the *Amended Final Results*. The Department requested a voluntary remand on two issues. On May 26, 2006, the CIT granted the Department's request and ordered the Department to correct a ministerial error involving a billing adjustment reported by Paul Müller for one home-market transaction, and to recalculate its antidumping margin accordingly, and explain its treatment of Paul Müller's inventory carrying costs. See *Paul Müller Industrie GmbH & Co. v. United States*, 435 F. Supp. 2d 1241, 1246-47 (CIT 2006) (*Paul Müller 2006*).

In accordance with the CIT's remand order in *Paul Müller 2006*, the Department filed its redetermination on remand of the final results (remand results) on September 13, 2006. In its remand results, the Department corrected the ministerial error and made a change to its treatment of the inventory carrying costs to ensure that home-market and U.S. inventory carrying costs were calculated on a consistent basis. On June 29, 2007, the CIT affirmed the Department's remand results. See *Paul Müller Industrie GmbH & Co. v. United States*, 502 F. Supp. 2d 1271 (CIT 2007).

#### Amended Final Results of the Review

Based on the remand results, we are amending the weighted-average margin for Paul Müller for the period May 1, 2002, through April 30, 2003, from 0.44 percent to 0.46 percent.

#### Assessment of Duties

The Department has determined, and U.S. Customs and Border Protection shall assess, antidumping duties on all appropriate entries covered by these amended final results.

#### Notifications

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to

<sup>1</sup> Timken US Corporation is currently known as the Timken Company.