

if circumvention of the order is taking place.<sup>4</sup>

For this final determination, we continue to rely on the criteria that we considered in making our preliminary determination.<sup>5</sup> Based on our review of the record evidence and our analysis of the comments received, the Department continues to find that imports from the PRC of folding metal tables with legs connected by cross-bars, so that the legs fold in sets, and otherwise meet the description of in-scope merchandise, are circumventing the order and are properly considered to be within the class or kind of merchandise subject to the order on FMTCs from the PRC. For a complete discussion of the Department's analysis, see the Final Analysis Memorandum, dated concurrently with this notice.

As explained in the Final Analysis Memorandum in Comment 2, we determine that the folding metal tables with cross-bars at issue in this case are not expressly excluded from the order. The order expressly excluded banquet tables. No party has argued that these folding metal tables with cross-bars are banquet tables. As a result of our analysis of the overall physical characteristics of the products subject to this inquiry, we find that the PRC producers and exporters produce and export to the United States folding metal tables that match the physical description of folding metal tables in the scope of the FMTCs order except for the presence of cross-bars connecting the legs placed near the table top.<sup>6</sup> But for the addition of these cross-bars, these tables would be within the scope of the order.

There are no significant differences in the expectations of the ultimate users,<sup>7</sup> uses of the merchandise,<sup>8</sup> and channels of marketing between folding metal tables with and without cross-bars.<sup>9</sup> None of the companies, either producers or customers, provided evidence of customer involvement in the design of the tables with cross-bars.<sup>10</sup> As explained in the Final Analysis Memorandum, there are also no

differences in the manner in which the folding metal tables with cross-bars are advertised or displayed compared with folding metal tables without cross-bars.<sup>11</sup> Furthermore, producers of such tables in the PRC acknowledged that the cost of adding cross-bars to tables in the course of production is negligible.<sup>12</sup> Moreover, we find that test results -- purported to demonstrate improvements to the tables as a result of the addition of cross-bars -- do not demonstrate that the addition of cross-bars improved the strength or stability of folding metal tables. Furthermore, although parties alluded to other supposed advantages attributable to the addition of cross-bars, *i.e.*, elimination of pinch points and quicker folding time, the record demonstrates that companies' advertisements for folding metal tables do not indicate that a cross-bar exists, much less that it represents an advantage over tables without cross-bars.<sup>13</sup> Therefore, we do not find that the cross-bars that are located near the table top provide a significant advantage.

As a result of our inquiry, we determine that imports from the PRC of folding metal tables with legs connected by cross-bars, so that the legs fold in sets, and otherwise meeting the description of in-scope merchandise, are circumventing the order and are properly considered to be within the class or kind of merchandise subject to the order on FMTCs from the PRC. See Section 781(c) of the Act.

#### Continuation of Suspension of Liquidation

In accordance with section 351.225(i) of the Department's regulations, for folding metal tables meeting the description of the folding metal tables described in the scope of the FMTCs order except that they have cross-bars connecting the legs, so that the legs fold in sets, we are directing U.S. Customs and Border Protection ("CBP") to continue to suspend liquidation and to require a cash deposit of estimated duties at the applicable rates for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after June 1, 2007. With a final affirmative determination of circumvention, the Department normally instructs CBP to continue the suspension of liquidation that was directed in the affirmative preliminary determination of

circumvention, pursuant to 19 CFR 351.225(l)(3). However, because doing so in the instant inquiry would include merchandise that entered during a completed review period, we will instruct CBP to continue to suspend liquidation for entries made on or after July 1, 2007, the first day of the only pending administrative review period of this order.

This final determination of circumvention is in accordance with section 781(c) of the Act and 19 CFR 351.225.

Dated: April 28, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

#### APPENDIX

##### List of Comments and Final Analysis Memorandum

*Comment 1:* Whether the Department Should Terminate the Anti-Circumvention Inquiry

*Comment 2:* Whether Folding Metal Tables with Cross-Bars Are Expressly Excluded from the Scope

*Comment 3:* Whether Folding Metal Tables with Cross-Bars Are Significantly Different from the In-Scope Merchandise

*Comment 4:* Whether Folding Metal Tables with Cross-Bars Represent a Significant Improvement over Folding Metal Tables with Independently Folding Legs

*Comment 5:* Whether to Deny Feili's Partial Revocation Request

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#### DEPARTMENT OF COMMERCE

##### National Telecommunications and Information Administration

##### Call for Applications for Commerce Spectrum Management Advisory Committee

**AGENCY:** National Telecommunications and Information Administration, U.S. Department of Commerce.

**ACTION:** Notice and Call for Applications.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA) is seeking applications from persons interested in serving on the Department of Commerce's Spectrum Management Advisory Committee (CSMAC) for new two-year terms. The CSMAC provides advice to the Assistant Secretary for Communications and Information and

<sup>4</sup> See, e.g., *Preliminary Determination of Circumvention of Antidumping Order; Cut-to-Length Carbon Steel Plate from Canada*, 65 FR 64926, 64929-31 (October 31, 2000).

<sup>5</sup> See *Preliminary Determination*, 73 FR 63684.

<sup>6</sup> See Final Analysis Memorandum; see also Preliminary Analysis Memorandum for the Minor Alterations Circumvention Inquiry of the Antidumping Duty Order on Folding Metal Tables and Chairs from the People's Republic of China, at 12 (October 20, 2008) ("Preliminary Analysis Memo").

<sup>7</sup> See *id.*, at 13.

<sup>8</sup> See *id.*, at 15.

<sup>9</sup> See *id.*, at 16.

<sup>10</sup> See *id.*, at 21.

<sup>11</sup> See Final Analysis Memorandum, at 18-20; see also Preliminary Analysis Memorandum, at 18-19.

<sup>12</sup> See Preliminary Analysis Memorandum, at 17.

<sup>13</sup> See Final Analysis Memo at 13-18; see also Preliminary Analysis Memorandum, at 24.

NTIA Administrator on spectrum policy matters.

**DATES:** Applications must be postmarked or electronically transmitted on or before June 1, 2009.

**ADDRESSES:** Applications materials should be sent to Joe Gattuso, Designated Federal Officer, by email to [spectrumadvisory@ntia.doc.gov](mailto:spectrumadvisory@ntia.doc.gov); by U.S. mail or commercial delivery service to: Office of Policy Analysis and Development, National Telecommunications and Information Administration, 1401 Constitution Avenue N.W., Room 4725, Washington, DC 20230; or by facsimile transmission to (202) 482-6173.

**FOR FURTHER INFORMATION CONTACT:** Joe Gattuso at (202) 482-0977 or [jgattuso@ntia.doc.gov](mailto:jgattuso@ntia.doc.gov).

**SUPPLEMENTARY INFORMATION:** The CSMAC was chartered in 2005 under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 and is consistent with the National Telecommunications and Information Administration Act, 47 U.S.C. § 904(b). The Department of Commerce renewed the CSMAC's charter on April 6, 2009. The CSMAC advises the Assistant Secretary of Commerce for Communications and Information on a broad range of issues regarding spectrum policy. In particular, the charter provides that the CSMAC will provide advice and recommendations on needed reforms to domestic spectrum policies and management in order to: license radio frequencies in a way that maximizes their public benefit; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. The CSMAC functions solely as an advisory body in compliance with the FACA. Additional information about the CSMAC and its activities may be found at <http://www.ntia.doc.gov/advisory/spectrum>.

Members of the CSMAC are experts in radio spectrum policy and do not represent any organization or interest. They serve on the CSMAC in the capacity of Special Government Employee. Members will not receive compensation or reimbursement for travel or for per diem expenses.

There are currently 18 members of the CSMAC, who were appointed by the Secretary of Commerce for two-year terms commencing on January 16, 2009. The renewed charter, effective April 6, 2009, allows up to 25 members to serve on the CSMAC.

The Secretary of Commerce may appoint up to seven additional individuals with expertise in those sectors and interests in spectrum policy

issues relevant to the CSMAC. Moreover, the charter requires that the CSMAC be fairly balanced in terms of the points of view represented by the members and the functions to be performed. For purposes of obtaining balance, the Secretary will consider for membership interested persons with professional or personal qualifications or experience that will contribute to the CSMAC's work. Such qualifications should generally include, but may not be limited to, expertise and experience in academia, not-for-profit organizations, public advocacy, and in civil society.

Applicants should submit their resume or *curriculum vitae* and a statement that summarizes the applicant's qualifications and experience. The statement should identify any particular expertise or area of interest relevant to the CSMAC's work. This will aid in the assessment of whether the applicant's qualifications and experience will contribute to the balance of points of view represented on the committee.

Dated: May 1, 2009.

**Kathy D. Smith,**

*Chief Counsel, National Telecommunications and Information Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

(C-533-821)

#### Certain Hot-Rolled Carbon Steel Flat Products from India: Final Results and Partial Rescission of Countervailing Duty Administrative Review

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

**SUMMARY:** On December 30, 2008, the U.S. Department of Commerce (the Department) published in the **Federal Register** its preliminary results of the administrative review of the countervailing duty (CVD) order on certain hot-rolled carbon steel flat products (hot-rolled carbon steel) from India for the period of review (POR) January 1, 2007, through December 31, 2007. See *Certain Hot-Rolled Carbon Steel Flat Products from India: Notice of Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*; 73 FR 79791 (December 30, 2008) (*Preliminary Results*). We preliminarily found that Essar Steel Ltd. (Essar) received countervailable subsidies during the

POR. We received comments on our *Preliminary Results* from the Government of India (GOI), petitioners, and the respondent company, Essar.<sup>1</sup> The final results are listed in the section "Final Results of Review" below.

We also preliminarily rescinded the administrative review regarding Ispat Industries Limited (Ispat), JSW Steel Limited (JSW), and Tata Steel Limited (Tata) due to the fact that they had no shipments during the POR. We received no comments on the partial rescission of administrative review for Ispat, JSW, and Tata and, therefore, we hereby rescind the administrative review with regard to these firms.

**EFFECTIVE DATE:** May 6, 2009.

**FOR FURTHER INFORMATION CONTACT:** Gayle Longest at (202) 482-3338, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

#### Background

On December 3, 2001, the Department published in the **Federal Register** the CVD order on certain hot-rolled carbon steel flat products from India. See *Notice of Amended Final Determination and Notice of Countervailing Duty Order: Certain Hot-Rolled Carbon Steel Flat Products from India*, 66 FR 60198 (December 3, 2001). On December 30, 2009, the Department published in the **Federal Register** its *Preliminary Results* of the administrative review of this order for the period January 1, 2007, through December 31, 2007. See *Preliminary Results*, 73 FR 79791. In accordance with 19 CFR 351.213(b), this administrative review covers Essar, a producer and exporter of subject merchandise.

On January 21, 2009, we issued supplemental questionnaires to Essar and the GOI. We received responses from Essar and the GOI on January 28, 2009.

In the *Preliminary Results*, we invited interested parties to submit briefs or request a hearing. On January 29, 2009, we received comments from the GOI. In addition, on February 6, 2009, we received comments from Essar as well as petitioners. On February 18, 2009, we received rebuttal comments from Essar and petitioners. We received a request for a hearing from Essar and the GOI on February 9, 2009. On March 27, 2009, we held a public hearing in room 7870 of the Commerce Building. Parties can

<sup>1</sup> Petitioners are the United States Steel Corporation and Nucor Corporation (collectively, petitioners).