

the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000-acre activation limit for the overall zone project and a sunset provision for Sites 7 through 10 that would terminate authority for the sites on March 31, 2014, for any of the sites that have not been activated under FTZ procedures before that date.

Signed at Washington, DC this 28th day of February 2007.

**David M. Spooner,**

*Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.*

Attest:

**Andrew McGilvray,**

*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[Docket 9-2007]

#### **Foreign-Trade Zone 38-Spartanburg County, South Carolina, Application for Subzone, Leiner Health Products LLC (Ibuprofen Products), Fort Mill, South Carolina**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the South Carolina State Ports Authority, grantee of FTZ 38, requesting special-purpose subzone status with manufacturing authority for certain ibuprofen products at the pharmaceutical manufacturing facility of Leiner Health Products, LLC (Leiner), located in Fort Mill, South Carolina. Leiner is a manufacturer of store-brand vitamin, mineral and nutritional supplements (VMS) and over-the-counter (OTC) pharmaceutical products. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 2, 2007.

The proposed subzone (1 building of 620,000 square feet of enclosed space on 27 acres) is located at 355 Crestmont Drive, in Fort Mill, South Carolina. The Leiner plant (600 permanent employees and 100-200 seasonal employees) manufactures, packages, and warehouses both solid-dose VMS and OTC pharmaceutical products.

Initially, Leiner is proposing to manufacture ibuprofen products under zone procedures at the plant. At the outset, inverted tariff zone savings will result from the production of finished

ibuprofen mixture (HTSUS 3003.90, duty-free) and finished ibuprofen products (HTSUS 3004.90, duty-free; up to 2.5 billion pills per year) using foreign-sourced active ingredient ibuprofen (HTSUS 2916.39, 6.5% duty rate).

The application also indicates the possibility of producing bulk acetaminophen mixture (HTSUS 3003.90, duty-free) and finished acetaminophen products (HTSUS 3004.90, duty-free), which the company may produce at the plant in the future, using foreign-sourced active ingredient acetaminophen (HTSUS 2924.29, 6.5% duty rate). (New major activity for this product would require review by the FTZ Board.) Leiner also plans to admit other foreign inputs under FTZ procedures, but will make customs entry before manufacture into products at the Fort Mill facility or before distribution to other Leiner U.S. manufacturing facilities.

For Leiner's ibuprofen-related production, zone procedures would exempt the company from Customs duty payments on foreign materials used in production for export. On domestic shipments, the company would be able to choose the duty rate during Customs entry procedures that applies to finished ibuprofen mixture and products (duty-free) for the otherwise dutiable foreign active ingredient inputs (6.5% duty rate) noted above (inverted tariff).

Leiner would also obtain duty deferral savings and be able to avoid duty on foreign inputs which become scrap/waste (approximately 5% scrap and waste rate). Additionally, Leiner may realize logistical/procedural and other benefits from subzone status. The application projects up to \$642,000 in total FTZ savings (some 65% of which are tied to the inverted tariff on ibuprofen), which it indicates would help improve the international competitiveness of Leiner's Fort Mill plant. In accordance with the Board's regulations, a member of the FTZ staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Information submitted for the record generally should be in a non-proprietary format. If there is a need to submit business proprietary information, it should be appropriately marked and summarized or ranged (in the case of numerical data) in the public submission, which should be accompanied by a single business proprietary version.

Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address

below. The closing period for the receipt of the public comment submissions is May 10, 2007. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period through May 25, 2007.

A copy of the application will be available for public inspection at each of the following locations: U.S. Department of Commerce Export Assistance Center, 521 East Morehead Street, Suite 435, Charlotte, NC 28217; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2814B, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, D.C. 20230-0002.

For further information, contact Diane Finver at Diane\_Finver@ita.doc.gov or (202) 482-1367.

Dated: March 5, 2007.

**Andrew McGilvray,**

*Executive Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-801, A-412-801]

#### **Ball Bearings and Parts Thereof from Italy and the United Kingdom: Initiation of Antidumping Duty Changed-Circumstances Reviews**

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

**SUMMARY:** The Department of Commerce has received information sufficient to warrant initiation of changed-circumstances reviews of the antidumping duty orders on ball bearings and parts thereof from Italy and the United Kingdom pursuant to section 751(b) of the Tariff Act of 1930, as amended.

**EFFECTIVE DATE:** March 9, 2007.

**FOR FURTHER INFORMATION CONTACT:**

Kristin Case at (202) 482-3174 or Richard Rimlinger at (202) 482-4477, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

#### **Background**

The Department of Commerce (the Department) published antidumping duty orders on ball bearings and parts thereof from Italy and the United Kingdom on May 15, 1989. See *Antidumping Duty Orders: Ball Bearings*

and Cylindrical Roller Bearings and Parts Thereof From Italy, 54 FR 20903 (May 15, 1989), and Antidumping Duty Orders and Amendments to the Final Determinations of Sales at Less Than Fair Value: Ball Bearings and Cylindrical Roller Bearings and Parts Thereof From the United Kingdom, 54 FR 20910 (May 15, 1989).

On August 11, 2000, the Department revoked the antidumping duty order on ball bearings and parts thereof from Italy with respect to Somecat S.p.A. (Somecat). See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Singapore, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews and Revocation of Orders in Part*, 65 FR 49219 (August 11, 2000).<sup>1</sup> On July 12, 2001, the Department revoked the antidumping duty order on ball bearings and parts thereof from the United Kingdom with respect to SNFA UK. See *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews and Revocation of Orders in Part*, 66 FR 36551 (July 12, 2001).

On January 9, 2007, Somecat S.p.A., a subsidiary of Societe Nouvelle de Fabrication Aeronautique S.A.S.U. (SNFA), and SKF Industries S.p.A. (SKF Italy) notified the Department of a change in ownership of SNFA.<sup>2</sup> On January 26, 2007, SNFA Bearings Ltd. (SNFA UK), a subsidiary of SNFA, and SKF UK Ltd. filed a similar notification. Specifically, Somecat, SNFA UK, SKF Italy, and SKF UK notified the Department that, on July 4, 2006, through its subsidiary SKF Holding France S.A., AB SKF purchased all outstanding shares of SNFA. Somecat and SKF Italy stated that, because Somecat and SKF Italy will continue to operate as separate and distinct businesses, Somecat is not the

successor-in-interest to SKF Italy nor is SKF Italy a successor-in-interest to the pre-acquisition Somecat. Accordingly, SKF Italy and Somecat asserted, it would be inappropriate to assign the SKF Italy cash-deposit rate to entries of subject merchandise from Somecat. SNFA UK and SKF UK stated that, because SNFA UK and SKF UK will continue to operate as separate and distinct businesses until a planned relocation of SNFA UK's manufacturing facilities occurs later in 2007, SNFA UK is not the successor-in-interest to SKF UK nor is SKF UK the successor-in-interest to the pre-acquisition SNFA UK. Accordingly, SKF UK and SNFA UK asserted, it would be inappropriate to assign the SKF UK cash-deposit rate to entries of subject merchandise from SNFA UK.

We did not receive any other comments.

#### Scope of the Order

The products covered by these orders are ball bearings and parts thereof. These products include all bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following *Harmonized Tariff Schedules of the United States* (HTSUS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

As a result of recent changes to the Harmonized Tariff Schedule, effective February 2, 2007, the subject merchandise is also classifiable under the following additional HTS item numbers: 8708.30.5090, 8708.40.7500, 8708.50.7900, 8708.50.8900, 8708.50.9150, 8708.50.9900, 8708.80.6590, 8708.94.75, 8708.95.2000, 8708.99.5500, 8708.99.68, and 8708.99.8180.

Although the HTSUS item numbers above are provided for convenience and customs purposes, written descriptions

of the scope of these orders remain dispositive.

For a listing of scope determinations which pertain to the order on ball bearings and parts thereof, see the Scope Determination Memorandum (Scope Memorandum) from the Antifriction Bearings Team to Laurie Parkhill, dated March 2, 2006. The Scope Memorandum is on file in the Central Records Unit (CRU), main Commerce building, Room B-099, in the General Issues record (A-100-001) for the 2004/2005 administrative reviews of the orders on antifriction bearings.

#### Initiation of Changed-Circumstances Reviews

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), the Department will conduct a changed-circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. Although SKF Italy, SKF UK, Somecat, and SNFA UK assert that conduct of changed-circumstances reviews for the Italy and United Kingdom proceedings would be premature, we disagree and determine that the information submitted demonstrates changed circumstances sufficient to warrant reviews of the antidumping duty orders on ball bearings and parts thereof from Italy and the United Kingdom. For example, SKF Italy and Somecat acknowledge a degree of overlapping production and state that, in instances where both utilize a common supplier, attempts have been made to renegotiate prices based on their combined purchasing power. Further, SKF UK's and SNFA UK's statement that a plan to relocate SNFA UK's production facilities is being developed indicates that production planning and production management decisions may have changed as a result of AB SKF's purchase of SNFA. Finally, SKF Italy, SKF UK, Somecat, and SNFA UK state that SNFA Group management now reports to SKF Group management. Accordingly, we cannot conclude, as requested by SNFA UK and SKF UK, that SNFA UK is not the successor-in-interest to SKF UK nor is SKF UK the successor-in-interest to the pre-acquisition SNFA UK. Similarly, we cannot conclude, as requested by Somecat and SKF Italy, that Somecat is not the successor-in-interest to SKF Italy nor is SKF Italy a successor-in-interest to the pre-acquisition Somecat. Therefore, in accordance with section 751(b)(1) of the Act, the Department is initiating changed-circumstances

<sup>1</sup> The Department had determined previously that Somecat bearings are marked "SNFA Italy" (Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From France, Germany, Italy, Japan, Romania, Sweden, and the United Kingdom; Final Results of Antidumping Duty Administrative Reviews, 64 FR 35590 (July 1, 1999), and accompanying Issues and Decision Memorandum at Comment 1 in Section 11.B).

<sup>2</sup> In response to a request by Societe Nouvelle de Fabrication Aeronautique S.A.S.U., SKF France S.A., and SKF Aerospace France S.A.S., the Department has initiated a changed-circumstances review of the antidumping duty order on ball bearings and parts thereof from France. See *Ball Bearings and Parts Thereof From France: Initiation of an Antidumping Duty Changed-Circumstances Review*, 72 FR 9513 (March 2, 2007).

reviews of the antidumping duty orders on ball bearings and parts thereof from Italy and the United Kingdom.

Therefore, in accordance with 19 CFR 351.221(b)(2) and (4) and 19 CFR 351.221(c)(3)(i), we will issue questionnaires requesting factual information for the reviews and will publish a notice of preliminary results of the antidumping duty changed-circumstances reviews in the **Federal Register**. The notice will set forth the factual and legal conclusions upon which our preliminary results are based. Pursuant to 19 CFR 351.221(b)(4)(ii), interested parties will have an opportunity to comment on the preliminary results of the reviews. During the course of these antidumping duty changed-circumstances reviews, we will not change the cash-deposit requirements for the subject merchandise. The cash-deposit rates will be altered, if warranted, pursuant only to the final results of these reviews.

This notice of initiation is in accordance with section 751(b)(1) of the Act and (d), and 19 CFR 351.221(b)(1).

Dated: March 5, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-893]

#### **Certain Frozen Warmwater Shrimp From the People's Republic of China: Preliminary Results and Partial Rescission of the 2004/2006 Administrative Review and Preliminary Intent To Rescind 2004/2006 New Shipper Review**

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

**SUMMARY:** The U.S. Department of Commerce ("the Department") is currently conducting the 2004/2006 administrative review and a 2004/2006 new shipper review of the antidumping duty order on certain frozen warmwater shrimp from the People's Republic of China ("PRC"). The period of review ("POR") for both the administrative and new shipper reviews is July 14, 2004, through January 31, 2006. We preliminarily determine that sales have not been made below normal value ("NV") with respect to certain exporters subject to the administrative review. We also have preliminarily found that the

single sales made by Asian Seafoods (Zhanjiang) Co., Ltd. ("Asian Seafoods") and Hai Li Aquatic Co., Ltd. Zhao An, Fujian ("Hai Li"), the new shipper, were not *bona fide*. Further, we are preliminarily applying adverse facts available to Meizhou Aquatic Products Quick-Frozen Industry Co., Ltd. ("Meizhou") and Shantou Red Garden Foodstuff/Shantou Red Garden Food Processing Co. (collectively, "Red Garden"). If these preliminary results are adopted in our final results of these reviews, we will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on entries of subject merchandise during the period of review ("POR") for which the importer-specific assessment rates are above *de minimis*.

Interested parties are invited to comment on these preliminary results. We will issue the final results no later than 120 days from the date of publication of this notice.

**EFFECTIVE DATE:** March 9, 2007.

**FOR FURTHER INFORMATION CONTACT:** Erin Begnal or Scot Fullerton, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-1442 or (202) 482-1386, respectively.

#### **Background**

On February 1, 2005, the Department published in the **Federal Register** the antidumping duty order on certain frozen warmwater shrimp from the PRC. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp From the People's Republic of China*, 70 FR 5149 (February 1, 2005).

On February 22, 2006, Hai Li, in accordance with 19 CFR 351.214(c), requested a new shipper review of the antidumping duty order on certain frozen warmwater shrimp from the PRC, which has a February anniversary month. On March 23, 2006, the Department initiated a new shipper review of Hai Li covering the period July 16, 2004, through January 31, 2006. *See Certain Frozen Warmwater Shrimp from the People's Republic of China: Initiation of New Shipper Review*, 71 FR 14681 (March 23, 2006).

On February 1, 2006, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain frozen warmwater shrimp from the PRC. *See Antidumping or Countervailing Duty Order, Finding, or Suspended*

*Investigation; Opportunity To Request Administrative Review*, 71 FR 5239 (February 1, 2006).

The Department received timely requests from the Ad Hoc Shrimp Trade Action Committee and certain individual companies, in accordance with 19 CFR 351.213(b), during the anniversary month of February, for administrative reviews of the antidumping duty orders on certain frozen warmwater shrimp from the PRC covering 164 companies. However, on March 1, 2006, the Ad Hoc Shrimp Trade Action Committee withdrew its request for administrative review on one company. The Department, therefore, initiated an administrative review on the remaining 163 companies. *See Notice of Initiation of Administrative Reviews of the Antidumping Duty Orders on Frozen Warmwater Shrimp from the Socialist Republic of Vietnam and the People's Republic of China*, 71 FR 17813 (April 7, 2006) ("*Initiation Notice*").

The *Initiation Notice* specified that responses to the Department's quantity and value ("Q&V") questionnaire were due by April 28, 2006. Additionally, the Department has a rebuttable presumption that a single dumping margin is appropriate for all exporters in a non-market economy ("NME") country. However, the Department stated that it would consider information submitted in response to the Department's separate rate certifications/applications in order to determine whether or not respondents qualify for a separate rate. The *Initiation Notice* indicated that responses to the Department's separate rate certification were due on April 28, 2006, and responses to the Department's separate rate application were due May 19, 2006.

On March 17, 2006, the Department received copies of CBP documents pertaining to the entry of certain frozen warmwater shrimp from the PRC, exported by Hai Li during the POR, from CBP. *See Memorandum to the File through Christopher D. Riker, Program Manager, AD/CVD Operations, Office 9, from Michael Quigley, Case Analyst, AD/CVD Operations, Office 9, regarding Certain Frozen Warmwater Shrimp from the People's Republic of China: Entry Package(s) from U.S. Customs and Border Protection ("CBP")* (December 11, 2006). On March 21, 2006, the Department issued Hai Li its antidumping duty questionnaire sections A, C, and D.

On April 14, 2006, Hai Li agreed to waive the time limits of its new shipper review of certain frozen warmwater shrimp from the PRC, pursuant to 19 CFR 351.214(j)(3), and agreed to have its