

total entered value of those reviewed sales for the importer. We will instruct CBP to assess the importer-specific rate uniformly, as appropriate, on all entries of subject merchandise made by the relevant importer during the POR. See 19 CFR 351.212(b).

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment of Antidumping Duties*). This clarification will apply to entries of subject merchandise during the POR produced by DSM for which DSM did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries of DSM-produced merchandise at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Assessment of Antidumping Duties*.

Because we are relying on total adverse facts available to establish TC Steel's dumping margin, we will instruct CBP to apply a dumping margin of 32.70 percent to all entries of subject merchandise during the POR that were produced and/or exported by TC Steel.

The Department will issue liquidation instructions to CBP 15 days after the publication of these final results of review.

### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of steel plate from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) the cash-deposit rates for the reviewed companies will be the rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash-deposit rate will be 0.98 percent, the all-others rate established

in the LTFV investigation,<sup>1</sup> adjusted for the export-subsidy rate in the companion countervailing duty investigation.<sup>2</sup> These deposit requirements shall remain in effect until further notice.

### Notification

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department'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(a)(3). Timely notification of the return or 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.

These final results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 14, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

### Appendix

*List of Issues Addressed in the Issues and Decision Memorandum*

Comment 1 Product Matching

Comment 2 Offsetting Positive Margins With Negative Margins

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<sup>1</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-To-Length Carbon-Quality Steel Plate Products from Korea*, 64 FR 73196, 73214 (December 29, 1999).

<sup>2</sup> See *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea*, 64 FR 73176, 73181-86 (December 29, 1999), as amended in *Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate From India and the Republic of Korea*, 65 FR 6587, 6588 (February 10, 2000).

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-337-806]

#### Certain Individually Quick Frozen Red Raspberries from Chile: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** March 21, 2008.

**FOR FURTHER INFORMATION CONTACT:** David Neubacher or Nancy Decker, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-5823 or (202) 482-0196, respectively.

#### Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended ("the Act"), requires the Department of Commerce ("Department") to issue the preliminary results of an administrative review within 245 days after the last day of the anniversary month of an order for which a review is requested and a final determination within 120 days after the date on which the preliminary results are published. If it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

#### Background

On August 24, 2007, the Department published in the **Federal Register** a notice of initiation of administrative review of the antidumping duty order on individually quick frozen red raspberries from Chile, covering the period July 1, 2006, through June 30, 2007. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 72 FR 48613 (August 24, 2007). The preliminary results for this administrative review are currently due no later than April 1, 2008.

#### Extension of Time Limits for Preliminary Results

The Department requires additional time to review and analyze the sales and cost information submitted by the respondent in this administrative review because this review involves complex cost accounting issues. Thus, it is not practicable to complete this review within the original time limit

(i.e., April 1, 2008). Therefore, the Department is extending the time limit for completion of the preliminary results to not later than July 30, 2008, in accordance with section 751(a)(3)(A) of the Act.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 17, 2008.

**Susan H. Kuhbach,**

*Acting Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-533-825]

#### **Amended Final Results of Countervailing Duty Administrative Review: Polyethylene Terephthalate (PET) Film, Sheet, and Strip from India**

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

**SUMMARY:** On February 11, 2008, the Department of Commerce (the Department) published the final results of the administrative review of the countervailing duty order on polyethylene terephthalate (PET) film from India for the period January 1, 2005 through December 31, 2005. *See Polyethylene Terephthalate (PET) Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review*, 73 FR 7708 (February 11, 2008). On February 12, 2008, in accordance with 19 CFR 351.224(c)(2), we received timely filed ministerial error allegations from respondent MTZ Polyfilms, Ltd. (MTZ). No other party to the proceeding filed a ministerial error allegation or rebuttal comments. Based on our analysis of the comments, the Department has revised the countervailing duty rate for MTZ. Accordingly, we are amending our final results.

**EFFECTIVE DATE:** March 21, 2008.

**FOR FURTHER INFORMATION CONTACT:** Elfi Blum or Sean Carey, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0197, or (202) 482-3964, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **Scope of the Order**

For purposes of the order, the products covered are all gauges of raw, pretreated, or primed Polyethylene Terephthalate Film, Sheet and Strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

#### **Legal Authority**

The statute governing the correction of ministerial errors directs the Department to establish a procedure for the correction of ministerial errors in determinations within a reasonable period of time. *See* Section 751(h) of the Tariff Act of 1930 (the Act). The regulations promulgated pursuant to the statute provide procedures for the correction of ministerial errors, which allow parties to submit comments and the Department to analyze the comments and correct any ministerial errors by amendment of the determination. *See* 19 CFR 351.224(e). The definition of a ministerial error in a countervailing duty determination is contained in section 751(h) of the Act. Specifically, the Act states that a ministerial error includes "errors in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the {Secretary} considers ministerial." Thus, any issue raised by interested parties as a ministerial error which is, in fact, the result of a methodological decision by the Department will not be considered a ministerial error as it would not meet the statutory definition of the term. *See, e.g., Tianjin Mach. Imp. & Exp. Corp. v. United States*, 353 F. Supp. 2d 1294, 1304 (CIT 2004).

#### **Allegations of Ministerial Errors**

On February 12, 2008, MTZ timely filed, pursuant to 19 CFR 351.224(c)(2), an allegation that the Department made two ministerial errors in its final results of review for MTZ. First, with respect to the Union Territories Central Sales Tax (CST) program, MTZ alleges that the Department miscalculated the benefit by using the excise tax and the Education CESS, which is an excise duty, on the

excise tax paid, instead of the four percent CST not paid. We determine that this is a ministerial error that should be corrected in accordance with 19 CFR 3 51.224( e) of the Department's regulations. In the benefit calculations for Union Territories CST program, the Department erroneously based the benefit on the excise tax and the Education CESS on the excise tax paid on MTZ's purchases of the input, instead of the four percent CST not paid on the purchases of the input. We have now revised our calculations and calculated the benefit from the Union Territories CST program by calculating four percent of the basic value, as reported to the Department. *See Memorandum to Barbara E. Tillman Through Dana Mermelstein From Elfi Blum: Analysis of Ministerial Error Allegations in Final Results of Countervailing Duty Review on Polyethylene Terephthalate Film, Sheet, and Strip from India* (March 12, 2008) (*Ministerial Error Memo*).

Second, MTZ states that, for the Duty Entitlement Passbook Scheme (DEPS/DEPB), the Department's calculation memorandum states that the benefits are conferred as of the date of exportation of the shipments for which the DEPS/DEPB credits are earned. MTZ alleges that the Department erred in calculating the benefits by including the value of credits earned on shipments made in 2004 for which the license was issued in 2005. Thus, according to MTZ, the calculation of the rate for this program does not reflect the method stated in the analysis memorandum, and therefore, constitutes a ministerial error. *See Memorandum to The File Through Dana Mermelstein From Elfi Blum: Administrative Review of the Countervailing Duty Order on Polyethylene Terephthalate Film from India: Revisions to the Rate Calculations for MTZ Polyfilms Ltd. (MTZ)* (February 4, 2008) (*Calculation Memo*).

MTZ correctly notes the Department's practice to treat benefits received under DEPS/DEPB as conferred as of the date of exportation of the shipment for which the relevant DEPS/DEPB credits are earned because it is at this point where the amount of the benefit in the form of an exemption is known. *See, e.g., Final Results of Countervailing Duty Administrative Review: Certain Hot-Rolled Carbon Steel Flat Products from India*, 69 FR 26549 (May 13, 2004), and accompanying Issues and Decision Memorandum at Comment 2; and *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from India*, 64 FR 73131, 73140 (December 29, 1999).