

investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address listed below. The closing period for their receipt is January 5, 2009. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to January 20, 2009).

A copy of the application and accompanying exhibits will be available for public inspection at the U.S. Department of Commerce Export Assistance Center, 521 E. Morehead St., Suite 435, Charlotte, North Carolina 28202; and, Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230.

For further information, contact Kathleen Boyce at Kathleen_Boyce@ita.doc.gov or (202) 482-1346.

Dated: October 29, 2008.

Andrew McGilvray,
Executive Secretary.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-836]

Glycine From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

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

DATES: *Effective Date:* November 4, 2008.

SUMMARY: The Department of Commerce (the Department) has determined that a request for a new shipper review (NSR) of the antidumping duty order on glycine from the People's Republic of China (PRC), received on September 24, 2008, meets the statutory and regulatory requirements for initiation. The period of review (POR) of this new shipper review is March 1, 2008, through August 31, 2008.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230;

telephone: (202) 482-0193 and (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on glycine from the PRC was published on March 29, 1995.¹ *See Antidumping Duty Order: Glycine From the People's Republic of China*, 60 FR 16116 (March 29, 1995). On September 24, 2008, we received a timely request for a new shipper review from Jiangxi Ansun Chemical Technology Co., Ltd. (Jiangxi Ansun) in accordance with 19 CFR 351.214(c). Jiangxi Ansun made its request during the semiannual anniversary month. *See* 19 CFR 351.214(d)(2). Jiangxi Ansun certified that it produced and sold the glycine it exported to an unaffiliated U.S. purchaser, which is the basis for its request for a NSR.

The Department conducted queries of the U.S. Customs and Border Protection (CBP) database in order to confirm that Jiangxi Ansun's reported shipment of subject merchandise entered the United States for consumption and that liquidation of such shipment had been properly suspended for antidumping duties. *See* Memorandum to the File from Stephen Bailey, Customs and Border Protection Data for Entries of Glycine from the People's Republic of China, dated October 28, 2008. In reviewing the CBP data, we identified the Jiangxi Ansun's August 2008 sale to the United States and matched it with the documentation submitted by Jiangxi Ansun. We also solicited further information from CBP on U.S. entries of glycine produced by Jiangxi Ansun.

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B)(i)(I) of the Act, and 19 CFR 351.214(b)(2)(i), Jiangxi Ansun certified that it did not export glycine to the United States during the original POI. Pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Jiangxi Ansun certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported glycine to the United States during the POI, including those not individually examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), Jiangxi Ansun also certified that its export activities were not controlled by the central government of the PRC.

¹ Therefore, a request for a new shipper review based on the semiannual anniversary month, in this case September, was due to the Department by the final day of September. *See* 19 CFR 351.214(d)(1) and (2).

In addition to the certifications described above, Jiangxi Ansun submitted documentation establishing the following: (1) The date on which it first shipped glycine for export to the United States and the date on which the glycine was first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

On September 29, 2008, the Department received comments from GEO Specialty Chemicals, Inc. (GEO), a domestic glycine producer and the successor company to one of the original petitioners, Hampshire Chemical Corporation, regarding Jiangxi Ansun's NSR request. In its comments, GEO argues that Jiangxi Ansun had two shipments of glycine that entered the United States in February 2008, prior to the single shipment of glycine that is the basis for this NSR request. GEO also notes that Jiangxi Ansun, by its own admission, is the successor company to Jiangxi Electrochemical Co., Ltd.

On October 3, 2008, Jiangxi Ansun submitted comments in rebuttal to GEO's September 29, 2008, comments. Jiangxi Ansun contends that since the February 2008 transactions occurred in Canada, they are not United States transactions and do not constitute Jiangxi Ansun's first shipment to the United States. It also maintains that neither the Tariff Act of 1930, as amended (the Act), nor the Department's regulations contain a requirement that the shipment made by the new exporter, upon which the NSR request is based, be the first shipment made by that exporter to the United States.

In accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), we find that the request submitted by Jiangxi Ansun meets the threshold requirements for initiation of a NSR of its shipment of glycine from the PRC produced and exported by Jiangxi Ansun. *See* Memorandum to the File through Richard O. Weible, Director, AD/CVD Operations, Office 7, from Stephen Bailey, entitled "Initiation Checklist of AD New Shipper Review: Glycine from the People's Republic of China," dated concurrently with this notice. Therefore, we are initiating a NSR for the shipment of glycine produced and exported by Jiangxi Ansun to the United States. With respect to the issues raised by the parties, we intend to evaluate them further in the context of this NSR. We intend to issue the preliminary results of this review no later than 180 days from the date of initiation, and the final results of this review no later than 270

days from the date of initiation. See section 751(a)(2)(B)(iv) of the Act.

Period of Review

The POR is March 1, 2008, through August 31, 2008. See 19 CFR 351.214(g)(1)(i)(B).

Separate Rate

In cases involving non-market economies, the Department requires that a company seeking to establish eligibility for an antidumping duty rate separate from the PRC-wide entity rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to Jiangxi Ansun, including a separate-rate section. The review will proceed if the responses provide sufficient indication that Jiangxi Ansun is not subject to either *de jure* or *de facto* government control with respect to its exports of glycine. However, if Jiangxi Ansun does not demonstrate its eligibility for a separate rate, the company will be deemed not separate from other companies that exported during the POI, and the NSR for Jiangxi Ansun will be rescinded.

On August 17, 2006, the Pension Protection Act of 2006 (H.R. 4) was signed into law. Section 1632 of H.R. 4 temporarily suspends the authority of the Department to instruct CBP to collect a bond or other security in lieu of a cash deposit in new shipper reviews during the period April 1, 2006, through June 30, 2009. Therefore, the posting of a bond or other security under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of glycine produced and exported by Jiangxi Ansun must continue to post a cash deposit of estimated antidumping duties on each entry of subject merchandise at the current PRC-wide rate of 155.89 percent.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: October 28, 2008.

Gary Taverman,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. E8-26283 Filed 11-3-08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-824]

Polyethylene Terephthalate Film Sheet and Strip from India: Rescission of Antidumping Duty Administrative Review

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

EFFECTIVE DATE: November 4, 2008.

FOR FURTHER INFORMATION CONTACT: Martha Douthit, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230. Telephone: (202) 482-5050.

Background

On July 1, 2002, the Department of Commerce (the Department), published the antidumping duty order on polyethylene terephthalate film sheet and strip (PET Film) from India. See *Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip from India*, 67 FR 44175 (July 1, 2002).

On July 11, 2008, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on PET Film from India. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 39948 (July 11, 2008). On July 15, 2008, Jindal Poly Films Limited (Jindal), an Indian producer and exporter to the United States of PET Film, timely requested that the Department conduct an administrative review of Jindal. Jindal was the only party to request this administrative review. On August 26, 2008, the Department published a notice of initiation of the antidumping duty administrative review of PET Film from India for the period of review, July 1, 2007, through June 30, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 73 FR 50308 (August 26, 2008). On September 25, 2008, Jindal withdrew its request for an administrative review.

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of

publication of the notice of initiation of the requested review. Jindal withdrew its request before the 90-day deadline and no other party requested an administrative review of the antidumping duty order on PET Film from India. Therefore, in response to Jindal's withdrawal of their request for an administrative review pursuant to 19 CFR 351.213(d)(1), the Department hereby rescinds the administrative review of the antidumping duty order on PET Film from India.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. For the company for which this review is rescinded, the antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawn from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this rescission of administrative review.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protection orders ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).