

Notice for a full discussion of this clarification.

### Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to any party to the proceeding the calculations performed in connection with these preliminary results within five days after the date of public announcement of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless extended by the Department, case briefs are to be submitted within 30 days after the date of the publication of this notice, and rebuttal briefs, limited to arguments raised in the case briefs, are to be submitted no later than five days after the time limit for filing case briefs. See 19 CFR 351.309(c) and (d). Parties who submit arguments in this proceeding are requested to submit with the argument: 1) a statement of the issues; 2) a brief summary of the argument; and 3) a table of authorities. See 19 CFR 309(c)(2). Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration within 30 days of the publication of this notice. Requests should contain: 1) the party's name, address and telephone number; 2) the number of participants; and 3) a list of issues to be raised. Issues raised in the hearing will be limited to those raised in the respective case briefs. Unless the Department specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs. See 19 CFR 351.310(d)(1). Parties will be notified of the time and location of the hearing, if scheduled.

The Department will issue the final results of this administrative review within 120 days after the publication of this notice, unless extended. See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h).

### Notification of Importers

This notice also serves as a preliminary 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.

The preliminary results of this administrative review and this notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 17, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-30690 Filed 12-23-08; 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 November anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department received a request to revoke one antidumping duty order in part.

**DATES:** *Effective Date:* December 24, 2008.

**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) (2007), for administrative reviews of various antidumping and countervailing duty orders and findings with November anniversary dates. The Department also received a timely request to revoke in part the antidumping duty order on Fresh Garlic from the People's Republic of China 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 listed below.

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review, 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 period of review. 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 & 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 period of review (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) (*Sparklers*), 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) (*Silicon Carbide*). 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.

For entities that have not previously been assigned a separate rate, to demonstrate eligibility for such, the Department requires a Separate Rate Status Application. The Separate Rate Status 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 Status Application, refer to the instructions contained in the application. Separate Rate Status 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 Status 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 November 30, 2009.

Antidumping duty proceedings	Period to be reviewed
MEXICO: Circular Welded Non-Alloy Steel Pipe and Tube A-201-805 .....	11/1/07—10/31/08.
Hylsa, S.A. de C.V.	
Mueller Comercial de Mexico, S. de R.L. de C.V.	
Niples del Norte, S.A. de C.V.	
Productos Laminados de Aceros, S.A. de C.V.	
Tuberias Procasa S.A. de C.V.	
PYTCO, S.A. de C.V.	
Tuberia Nacional, S.A. de C.V.	
Ternium Mexico, S.A. de C.V.	
REPUBLIC OF KOREA: Circular Welded Non-Alloy Steel Pipe A-580-809 .....	11/1/07—10/31/08.
SeAH Steel Corporation.	
Hyundai HYSCO.	
Husteel Co., Ltd.	
Daewoo International Corporation.	
Miju Steel Making Co.	
Samsun Steel Co., Ltd.	
Kukje Steel Co., Ltd.	
Nexteel Co., Ltd.	
MSteel Co., Ltd.	
Kumkang Industrial Co., Ltd.	
Histeel Co., Ltd.	
Hyundai Corporation.	
Dongbu Steel Co., Ltd.	
Dong-A Steel Co., Ltd.	
Korea Iron & Steel Co., Ltd.	
Union Pipe Manufacturing Co., Ltd.	
Union Steel Co., Ltd.	
Tianjin Huanbohai Import & Export Co.	
Huludao Steel Pipe Industrial Co., Ltd.	
Huludao City Steel Pipe.	
Benxi Northern Steel Pipes Co.	
Tianjin Shuangjie Steel Pipe Co.	
A-JU Besteel Co., Ltd.	
THAILAND: Certain Hot-Rolled Carbon Steel Flat Products A-549-817 .....	11/1/07—10/31/08.
G J Steel Public Company Limited (formerly Nakornthai Strip Mill Public Company Limited).	
G Steel Public Company Limited.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Hot-Rolled Carbon Steel Flat Products A-570-865.	11/1/07—10/31/08.
Shanghai Baosteel International Economic & Trading Co., Ltd.	
Baoshan Iron and Steel Co., Ltd.	
Baosteel Group Corporation.	

Antidumping duty proceedings	Period to be reviewed
Shanghai Baosteel Group Corporation. Baosteel Group International Trade Corp. Angang Steel Company, Ltd. Angang Group International Trade Corporation. New Iron and Steel Co., Ltd. Angang Group Hong Kong Co., Ltd. Anshan Iron & Steel Group (and all affiliated entities). THE PEOPLE'S REPUBLIC OF CHINA: Certain Cut-to-Length Carbon Steel Plate <sup>2</sup> A-570-849. Anshan Iron & Steel Group (AISCO/Anshan International/Sincerely Asia Ltd.). Baoshan (Bao/Baoshan International Trade Corp./Bao Steel Metals Trading Corp., Shanghai Baosteel Group Corporation and Baoshan Iron and Steel Co., Ltd., Shanghai Pudong Steel & Iron Co.). Baosteel Group. Hunan Valin Xiangtan Iron & Steel Co., Ltd.	11/1/07—10/31/08.  11/1/07—10/31/08.
THE PEOPLE'S REPUBLIC OF CHINA: Fresh Garlic <sup>3</sup> A-570-831 ..... American Pioneer Shipping. Anhui Dongqian Foods Ltd. Anjiu Friend Food Co., Ltd. Anjiu Haoshun Trade Co., Ltd. APS Qingdao. Chengwu County Yuanxiang Industry & Commerce Co., Ltd. Chiping Shengkang Foodstuff Co., Ltd. Hangzhou Guanyu Foods Co., Ltd. Henan Weite. Heze Ever-Best International Trade Co., Ltd. (f/k/a Shandong Heze International Trade and Developing Company). Hongqiao International Logistics Co. IT Logistics Qingdao Branch. Jinan Solar Summit International Co., Ltd. Jinan Yipin Corporation Ltd. Jining Highton Trading Co., Ltd. Jining Trans-High Trading Co., Ltd. Jining Yongjia Trade Co., Ltd. Jinxian County Huaguang Food Import & Export Co., Ltd. Jinxiang Dacheng Food Co., Ltd. Jinxiang Dongyun Freezing Storage Co., Ltd. (a/k/a Jinxiang Eastward Shipping Import and Export Limited Company). Jinxiang Hejia Co., Ltd. Jinxiang Jinma Fruits Vegetables Products Co., Ltd. Jinxiang Shanyang Freezing Storage Co., Ltd. Jinxiang Tianheng Trade Co., Ltd. Jinxiang Tianma Freezing Storage Co., Ltd. Juye Homestead Fruits and Vegetables Co., Ltd. Laizhou Xubin Fruits and Vegetables. Linyi City Hedong District Jiuli Foodstuff Co. Ningjin Ruifeng Foodstuff Co., Ltd. Qingdao Lianghe International Trade Co., Ltd. Qingdao Saturn International Trade Co., Ltd. Qingdao Tiantaixing Foods Co., Ltd. Qingdao Winner Foods Co., Ltd. Qingdao Xintianfeng Foods Co., Ltd. Qingdao Yuankang International. Qufu Dongbao Import & Export Trade Co., Ltd. Samyoung America (Shanghai) Inc. Shandong Chengshun Farm Produce Trading Co., Ltd. Shandong Chenhe Int'l Trading Co., Ltd. Shandong Dongsheng Eastsun Foods Co., Ltd. Shandong Garlic Company. Shandong Jinxiang Zhengyang Import & Export Co., Ltd. Shandong Sanxing Food Co., Ltd. Shandong Xingda Foodstuffs Group Co., Ltd. Shandong Yipin Agro (Group) Co., Ltd. Shanghai Ever Rich Trade Company. Shanghai LJ International Trading Co., Ltd. Shenzhen Fanhui Import & Export Co., Ltd. Shenzhen Greening Trading Co., Ltd. Shenzhen Xinboda Industrial Co., Ltd. T&S International, LLC. Taian Eastsun Foods Co., Ltd. Taiyan Ziyang Food Co., Ltd. Weifang Chenglong Import & Export Co., Ltd. Weifang Hongqiao International Logistic Co., Ltd. Weifang Naike Foodstuffs Co., Ltd.	11/1/07—10/31/08.

Antidumping duty proceedings	Period to be reviewed
Weifang Shennong Foodstuff Co., Ltd. WSSF Corporation (Weifang). Xiamen Huamin Import Export Company. You Shi Li International Trading Co., Ltd. Zhangzhou Xiangcheng Rainbow Greenland Food Co., Ltd. Zhengzhou Harmoni Spice Co., Ltd. Zhengzhou Yuanli Trading Co., Ltd.	

<sup>1</sup> If one of the above-named companies does not qualify for a separate rate, all other exporters of certain hot-rolled carbon steel flat 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>2</sup> If one of the above-named companies does not qualify for a separate rate, all other exporters of certain cut-to-length carbon steel plate 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>3</sup> If one of the above-named companies does not qualify for a separate rate, all other exporters of Fresh Garlic 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.

### Countervailing Duty Proceedings

None.

### Suspension Agreements

None.

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 section 351.211 or a determination under section 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.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: December 18, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*  
[FR Doc. E8-30682 Filed 12-23-08; 8:45 am]

**BILLING CODE 3510-DS-P**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

**RIN 0648-XM36**

#### Marine Mammals; File No. 1058-1733

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application for amendment.

**SUMMARY:** Notice is hereby given that Mark Baumgartner, Ph.D., MS #33, Woods Hole Oceanographic Institute, Woods Hole, Massachusetts, 02543, has requested an modification to scientific research Permit No. 1058-1733.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before January 23, 2009.

**ADDRESSES:** The amendment request and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov/index.cfm>, and then selecting File No. 1058-1733 from the list of available applications. These documents also are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521 and Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281-9300; fax (978)281-9333.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room

13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 1058-1733.

**FOR FURTHER INFORMATION CONTACT:**

Amy Hapeman or Kristy Beard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 1058-1733 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 1058-1733, issued on June 27, 2007 (72 FR 36429), authorizes the permit holder to examine baleen whale foraging and diving behaviors in the Southern Ocean as well as to determine the overlap of diving behaviors with the vertical structure of fixed fishing gear in the North Atlantic Ocean. In the Southern Ocean, researchers may closely approach humpback (*Megaptera novaeangliae*), blue (*Balaenoptera musculus*), fin (*B. physalus*), sei (*B. borealis*), and Antarctic minke (*B. bonaerensis*) whales during vessel surveys for photo-identification,