

Comments received after the end of the comment period will be considered, if possible, but their consideration cannot be assured.

All comments submitted in response to this notice will be made a matter of public record and will be available for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the

submission and also provide a non-confidential submission that can be placed in the public record. The Committee will seek to protect such information to the extent permitted by law.

The Office of Administration, Bureau of Industry and Security, U.S. Department of Commerce, displays public comments on the BIS Freedom of Information Act (FOIA) Web site at

<http://www.bis.doc.gov/foia>. This office does not maintain a separate public inspection facility. If you have technical difficulties accessing this Web site, please call BIS's Office of Administration at (202) 482-1900 for assistance.

Dated: September 22, 2008.

**Christopher R. Wall,**  
Assistant Secretary for Export Administration.

#### ATTACHMENT 1—PROPOSED FY 2010 ANNUAL MATERIALS PLAN

Material	Unit	Quantity	Footnote
Bauxite, Metallurgical Jamaican .....	LDT	5,000	(1)
Beryl Ore .....	ST	1	(1)
Beryllium Metal .....	ST	60	.....
Chromium, Ferro .....	ST	100,000	.....
Chromium, Metal .....	ST	1,000	.....
Cobalt .....	LB Co	1,000,000	(1)
Columbium Metal Ingots .....	LB Cb	10,000	(1)
Germanium .....	Kg	8,000	.....
Manganese, Chemical Grade .....	SDT	5,000	(1)
Manganese, Ferro .....	ST	100,000	.....
Manganese, Metallurgical Grade .....	SDT	100,000	(1)
Platinum .....	Tr Oz	9,000	(1)
Platinum-Iridium .....	Tr Oz	1,000	(1)
Talc .....	ST	1,000	(1)
Tantalum Carbide Powder .....	LB Ta	4,000	(1)
Tin .....	MT	4,000	(1)
Tungsten Metal Powder .....	LB W	300,000	.....
Tungsten Ores & Concentrates .....	LB W	8,000,000	.....
VTE, Quebracho .....	LT	6,000	(1)
Zinc .....	ST	8,500	(1)

<sup>1</sup> Actual quantity will be limited to remaining inventory.

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## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

[Docket No. 080507636-8637-01]

#### Revisions to the Unverified List— Guidance as to “Red Flags” Under Supplement No. 3 to 15 CFR Part 732

**AGENCY:** Bureau of Industry and Security, Commerce.

**ACTION:** Notice.

**SUMMARY:** On June 14, 2002, the Bureau of Industry and Security (“BIS”) published a notice in the **Federal Register** that set forth a list of persons in foreign countries who were parties to past export transactions where pre-license checks (“PLC”) or post-shipment verifications (“PSV”) could not be conducted for reasons outside the control of the U.S. Government (“Unverified List”). Additionally, on July 16, 2004, BIS published a notice in the **Federal Register** that advised exporters that the Unverified List would also include persons in foreign

countries in transactions where BIS is not able to verify the existence or authenticity of the end-user, intermediate consignee, ultimate consignee, or other party to the transaction. These notices advised exporters that the involvement of a listed person as a party to a proposed transaction constitutes a “red flag” as described in the guidance set forth in Supplement No. 3 to 15 CFR Part 732, requiring heightened scrutiny by the exporter before proceeding with such a transaction. The notices also stated that, when warranted, BIS would remove persons from the Unverified List. This notice removes one entity from the Unverified List based upon recently conducted PSVs or scheduled PSVs. The entity is: Fuchs Oil Middle East Ltd., P.O. Box 7955, Sharjah Airport Intl. Free Zone, Sharjah, United Arab Emirates.

**DATES:** This notice is effective September 30, 2008.

**FOR FURTHER INFORMATION CONTACT:** Todd E. Willis, Assistant Director, Office of Enforcement Analysis, Bureau of Industry and Security, Telephone Number: (202) 482-4255.

**SUPPLEMENTARY INFORMATION:** In administering export controls under the Export Administration Regulations (15 CFR Parts 730 to 774) (“EAR”), BIS carries out a number of preventive enforcement activities with respect to individual export transactions. Such activities are intended to assess diversion risks, identify potential violations, verify end-uses, and determine the suitability of end-users to receive U.S. commodities or technology. In carrying out these activities, BIS officials, or officials of other federal agencies acting on BIS's behalf, conduct PLCs in appropriate situations to verify the bona fides of the transaction and the suitability of the end-user or ultimate consignee. In addition, such officials sometimes carry out PSVs to ensure that U.S. exports have actually been delivered to the authorized end-user, are being used in a manner consistent with the terms of a license or license exception, and are otherwise consistent with the EAR.

In a notice issued on June 14, 2002 (67 FR 40910), BIS set forth an Unverified List of certain foreign end-users and consignees involved in export transactions where BIS officials, or other

federal officials acting on BIS's behalf, were unable to perform a PLC or PSV with respect to certain export transactions for reasons outside the control of the U.S. Government (including a lack of cooperation by the host government authority, the end-user, or the ultimate consignee). On July 16, 2004, BIS published a notice in the **Federal Register** that advised exporters that the Unverified List would also include persons in foreign countries in transactions where BIS is not able to verify the existence or authenticity of the end-user, intermediate consignee, ultimate consignee, or other party to the transaction. The notices further stated that BIS may periodically remove names of persons from the list when warranted.

On October 19, 2006, BIS added to the Unverified List Fuchs Oil Middle East Ltd., P.O. Box 7955, Sharjah Airport Intl. Free Zone, Sharjah, United Arab

Emirates because BIS was unable to conduct a PLC, a PSV, and/or was unable to verify the existence or authenticity of an end user, intermediate consignee, ultimate consignee, or other party to an export transaction. 71 FR 61706. This notice removes the Fuchs Oil Middle East Ltd. entry from the Unverified List because BIS recently conducted or scheduled a PSV.

The Unverified List, as modified by this notice, is set forth below.

Dated: September 12, 2008.

**Darryl W. Jackson,**

*Assistant Secretary of Commerce for Export Enforcement.*

#### **Unverified List (As of May 2, 2008)**

The Unverified List includes names, countries, and last known addresses of foreign persons involved in export transactions with respect to which: the

Bureau of Industry and Security ("BIS") could not conduct a pre license check ("PLC") or a post shipment verification ("PSV") for reasons outside of the U.S. Government's control; BIS was not able to verify the existence or authenticity of the end user, intermediate consignee, ultimate consignee or other party to an export transaction; and/or the person is affiliated with a person on the Unverified List by virtue of ownership, control, position of responsibility, or other affiliation or connection in the conduct of trade or business. Any transaction to which a listed person is a party will be deemed to raise a "red flag" with respect to such transaction within the meaning of the guidance set forth in Supplement No. 3 to 15 CFR Part 732. The red flag applies to the person on the Unverified List regardless of where the person is located in the country included on the list.

Name	Country	Last known address
Lucktrade International .....	Hong Kong Special Administrative Region.	P.O. Box 91150, Tsim Sha Tsui, Hong Kong.
Brilliant Intervest .....	Malaysia .....	14-1, Persian 65C, Jalan Pahang Barat, Kuala Lumpur, 53000.
Dee Communications M SDN. BHD.	Malaysia .....	G5/G6, Ground Floor, Jin Gereja, Johor Bahru.
Peluang Teguh .....	Singapore .....	203 Henderson Road #09-05H, Henderson Industrial Park.
Lucktrade International PTE Ltd.	Singapore .....	35 Tannery Road #01-07 Tannery Block, Ruby Industrial Complex, Singapore 347740.
Arrow Electronics Industries ....	United Arab Emirates .....	204 Arbift Tower, Benyas Road, Dubai.
Jetpower Industrial Ltd .....	Hong Kong Special Administrative Region.	Room 311, 3rd Floor, Wing On Plaza, 62 Mody Road, Tsim Sha Tsui East, Kowloon.
Onion Enterprises Ltd .....	Hong Kong Special Administrative Region.	Room 311, 3rd Floor, Wing On Plaza, 62 Mody Road, Tsim Sha Tsui East, Kowloon.
Lucktrade International .....	Hong Kong Special Administrative Region.	Room 311, 3rd Floor, Wing On Plaza, 62 Mody Road, Tsim Sha Tsui East, Kowloon.
Litchfield Co. Ltd .....	Hong Kong Special Administrative Region.	Room 311, 3rd Floor, Wing On Plaza, 62 Mody Road, Tsim Sha Tsui East, Kowloon.
Sunford Trading Ltd .....	Hong Kong Special Administrative Region.	Unit 2208, 22/F118 Connaught Road West.
Parrlab Technical Solutions, LTD.	Hong Kong Special Administrative Region.	1204, 12F Shanghai Industrial Building, 48-62 Hennesey Road, Wan Chai.
T.Z.H. International Co. Ltd .....	Hong Kong Special Administrative Region.	Room 23, 2/F, Kowloon Bay Ind Center, No. 15 Wany Hoi Rd, Kowloon Bay.
Design Engineering Center .....	Pakistan .....	House 184, Street 36, Sector F-10/1, Islamabad.
Kantry .....	Russia .....	13/2 Begovaya Street, Moscow.
Etalon Company .....	Russia .....	20B Berezhkovskaya Naberezhnaya, Moscow.
Pskovenergo Service .....	Russia .....	47-A Sovetskaya Street, Pskov, Russia Federation, 180000.
Sheeba Import Export .....	Yemen .....	Hadda Street, Sanaa.
Aerospace Consumerist Consortium FZCO.	United Arab Emirates .....	Sheikh Zayed Road, P.O. Box 17951, Jebel Ali Free Zone, Dubai and Dubai International Airport, Dubai, 3365.
Medline International LLC .....	United Arab Emirates .....	P.O. Box 86343, Dubai.
Al Aarif Factory Equipment Trading LLC.	United Arab Emirates .....	Sheikh Fahad Saad Alsbah Bldg., Al Maktoum Street, P.O. Box 28162, Dubai, UAE (also located in Al Quoz district of Dubai).
Al-Thamin General Trading LLC.	United Arab Emirates .....	P.O. Box 41364, Dubai, UAE.
Amiran Trading Company .....	United Arab Emirates .....	Arbift Tower, 1st Floor, Flat No. 1803, Deira, UAE, also P.O. Box 6 1463, Jebel Ali, Dubai, UAE.
Bazar Trading Co .....	United Arab Emirates .....	Baniyas Tower, Suite 212, Dubai, UAE.
Davood Khosrojerdi, dba Al Musafer Tourism and Cargo.	United Arab Emirates .....	Concord Tower, Al Maktoum Street, PO Box 77900, Dubai, UAE.
Part Tech Co .....	United Arab Emirates .....	Baniyas Tower, Suite 212, Dubai, UAE.
Parto Abgardan .....	United Arab Emirates .....	Showroom #5, Sheikh Rashid bin Khalifa al Maktoum building, Dubai, UAE.
Reza Nezam Trading .....	United Arab Emirates .....	Al Dana Center, Al Maktoum Street, P.O. Box 41382, Dubai, UAE.
Sarelica (Sar Elica) FZC .....	United Arab Emirates .....	Bldg. #3, Office No. 3 G-08, P.O. Box 41 71 0, Hamariya Free Zone, Sharjah, UAE.
Semicom Technology International LLC.	United Arab Emirates .....	Office No. 18, 6th Floor, Horizons Business Centre, Al-Doha Centre, Al-Maktoum St., P.O. Box 41096, Dubai, UAE.

Name	Country	Last known address
Vitaswiss Limited .....	United Arab Emirates .....	PO Box 61069, Office #R/A 8 CB03, UAE.
Centre Bright Company .....	Hong Kong Special Administrative Region.	Unit 7A, Nathan Commercial Building, 430–436 Nathan Road, Kowloon City, Hong Kong.
IC Trading Ltd .....	Russia .....	Yauzskaya Str. 8, Bldg 2, Moscow, Russia.
Al Minzal Medical Equipment & Instruments.	United Arab Emirates .....	P.O. Box 31107, Sharjah, UAE.
JSC Chop Vityaz-S .....	Russia .....	146 Unikh Pionerov Ave, Samara, Russia.
Sistem Dizayners Co .....	Baku, Azerbaijan .....	APA: 2 NO.: 60, Merdanov Gardashlari St., Baku, Azerbaijan.

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**DEPARTMENT OF COMMERCE****International Trade Administration****Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests 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 August anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke two antidumping duty orders in part.

**DATES:** *Effective Date:* September 30, 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 August anniversary dates. The Department also received timely requests to revoke in part the antidumping duty order on Frozen Fish Fillets from the Socialist Republic of Vietnam and Certain Corrosion-Resistant Carbon Steel Flat Products from the Republic of Korea 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 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 section 351.303(f)(1)(i) of the regulations, 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://www.trade.gov/ia> on the date of publication of this **Federal Register**. In responding to the certification, please