

The following products are specifically excluded from this order: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (i.e., USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel. The following additional exclusions apply with respect to abrasion-resistant steels: NK-EH-360 (NK Everhard 360) and NK-EH-500 (NK Everhard 500). NK-EH-360 has the following specifications: (a) Physical Properties: Thickness ranging from 6–50 mm, Brinell Hardness: 361 min.; (b) Heat Treatment: controlled heat treatment; and (c) Chemical Composition (percent weight): C: 0.20 max., Si: 0.55 max., Mn: 1.60 max., P: 0.030 max., S: 0.030 max., Cr: 0.40 max., Ti: 0.005–0.020, B: 0.004 max. NK-EH-500 has the following specifications: (a) Physical Properties: Thickness ranging from 6–50 mm, Brinell Hardness: 477 min.; (b) Heat Treatment: Controlled heat treatment; and (c) Chemical Composition (percent weight): C: 0.35 max., Si: 0.55 max., Mn: 1.60 max., P: 0.030 max., S: 0.030 max., Cr: 0.80 max., Ti: 0.005–0.020, B: 0.004 max.

The merchandise subject to this order is classified in the HTSUS under subheadings: 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, 7226.99.0000.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise covered by this order is dispositive.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 4, 2009, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on CTL CQ plate from Japan for the period February

1, 2008 to January 31, 2009. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 74 FR 6013 (February 4, 2009). In accordance with 19 CFR 351.213(b)(1), on February 27, Nucor Corporation, a domestic producer of CTL CQ plate, requested a review of this order with respect to Kawasaki Steel Corporation (Kawasaki). On March 9, 2009, Nucor filed a letter clarifying its February 27, 2009, request for an administrative review of Kawasaki to include any successors-in-interest to Kawasaki, such as JFE.

The Department initiated the administrative review on March 24, 2009. *See Initiation Notice*. On April 7, 2009, JFE notified the Department that it had not made sales or exports of the subject merchandise during the POR. In addition, we reviewed the U.S. Customs and Border Protection (CBP) import database and found no entries of subject merchandise associated with either JFE or Kawasaki. We invited interested parties to comment on this information. *See* “No Shipments for Review and Intent to Rescind,” memorandum to the file dated April 16, 2009. We received no comments.

##### Rescission of Review

Under 19 CFR 351.213(d)(3), the Secretary may rescind an administrative review in whole or only with respect to a particular exporter or producer if the Secretary concludes that there were no entries, exports, or sales of the subject merchandise during the POR. As only Kawasaki and its alleged successor-in-interest JFE are subject to this administrative review, and there were no entries, exports, or sales of the subject merchandise by either Kawasaki or JFE during the POR, we are rescinding this review of the antidumping duty order on CTL CQ plate from Japan in its entirety pursuant to 19 CFR 351.213(d)(3). We intend to issue assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: May 12, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9–11666 Filed 5–18–09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–475–818]

#### Certain Pasta From Italy: Notice of Partial Rescission of Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** (May 19, 2009).

**SUMMARY:** In response to requests by interested parties, the Department of Commerce (“the Department”) initiated an administrative review of the antidumping duty order on certain pasta (“pasta”) from Italy for the period of review (“POR”) July 1, 2007, through June 30, 2008.<sup>1</sup> As a result of timely withdrawals of request for review, we are rescinding this review, in part, with respect to Pasta Zara SpA (“Zara”), Pastificio Felicetti S.r.L. (“Felicetti”), F. Divella SpA (“Divella”), Pastificio Di Martino Gaetano & F.lli S.r.L. (“Di Martino”), and Arrighi S.p.A. (“Arrighi”).

#### FOR FURTHER INFORMATION CONTACT:

Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4161.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 26, 2008, the Department initiated the instant review of certain pasta from Italy with respect to Arrighi, Domenico Paone fu Erasmo S.p.A., Divella, Industria Alimentare Colavita, S.p.A., P.A.M. S.p.A., Pasta Lensi, Pasta Zara, Di Martino, Felicetti, Pastificio Fratelli Pagani S.p.A., Pastificio Labor S.r.L., Pastificio Lucio Garafalo, Pastificio Riscossa F.lli Mastromauro S.r.L., Rummo S.p.A. Molino e Pastificio, and Rustichella d’Abruzzo S.p.A.<sup>2</sup> On September 15, 2008, petitioners<sup>3</sup> withdrew their request for review with respect to Arrighi. Arrighi did not self-request review.

On October 20, 2008, Zara, Felicetti, Divella, and Di Martino withdrew their requests for review. Petitioners did not request review of Zara, Felicetti, Divella or Di Martino.

<sup>1</sup> *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation*, 73 FR 50308 (August 26, 2008) (“Initiation Notice”).

<sup>2</sup> *See Initiation Notice*.

<sup>3</sup> Petitioners are the New World Pasta Company, American Italian Pasta Company, and Dakota Growers Pasta Company.

### Scope of Order

Imports covered by the antidumping duty order on pasta from Italy include shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this order is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of this order are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white. Also excluded from the order on pasta from Italy are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia or by Consorzio per il Controllo dei Prodotti Biologici, by Associazione Italiana per l'Agricoltura Biologica, or by Istituto per la Certificazione Etica e Ambientale ("ICEA") are also excluded from this order.

The merchandise subject to the antidumping duty order on pasta from Italy is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the merchandise subject to the order is dispositive.

### Partial Rescission of Review

If a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review, the Secretary will rescind the review pursuant to 19 CFR 351.213(d)(1). In this case, petitioners, withdrew their request with respect to Arrighi within 90 days of initiation of this review. Additionally, Zara, Felicetti, Divella, and Di Martino withdrew their requests for administrative reviews within 90 days from the date of initiation. No other party requested review of these five companies. Therefore, we are rescinding this review of the antidumping duty order on certain pasta from Italy, in part, with respect to Arrighi, Zara, Felicetti, Divella, and Di Martino. This administrative review will continue with respect to Domenico

Paone fu Erasmo S.p.A., Industria Alimentare Colavita, S.p.A., P.A.M. S.p.A., Pasta Lensi, Pastificio Fratelli Pagani S.p.A., Pastificio Labor S.r.l., Pastificio Lucio Garafalo, Pastificio Riscossa F.lli Mastromauro S.r.l., Rummo S.p.A. Molino e Pastificio, and Rustichella d'Abruzzo S.p.A.

The Department will issue appropriate assessment instructions directly to U.S. Customs and Border Protection ("CBP") 15 days after the publication of this notice. The Department will direct CBP to assess antidumping duties at the cash deposit rate in effect on the date of entry for entries during the period July 1, 2007, through June 30, 2008.

This notice is in accordance with section 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 251.213(d)(4).

Dated: May 12, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

[FR Doc. E9-11669 Filed 5-18-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Utah, Consortium for Astro-Particle Research, Notice of Decision on Application for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 3705, U.S. Department of Commerce, 14th and Constitution Ave, NW, Washington, D.C.

Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of its order. *Docket Number: 09-007.* Applicant: University of Utah, Consortium for Astro-Particle Research, Salt Lake City, UT 84111. Instrument: Electron Light Source (ELS) accelerator. Manufacturer: University of Tokyo, Japan. Reasons: The instrument will be used as a component of a large ground Telescope Array, which will allow the scientists to calibrate the telescopes by generating a particle beam that accurately simulates a cosmic ray shower. Specifically, this

instrument generates a precise amount of air fluorescence for the calibration of the Telescope Array's fluorescence telescopes. A unique feature of this instrument is that it must be able to calibrate the telescope with well time and energy characteristics of a cosmic ray generated extensive air shower and must be measured and stable at the 2-3% level.

Dated: May 13, 2009.

**Christopher Cassel,**

*Acting Director, Subsidies Enforcement Office, Import Administration.*

[FR Doc. E9-11646 Filed 5-18-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Application(s) for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States. Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be postmarked on or before June 8, 2009. Address written comments to Statutory Import Programs Staff, Room 3720, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. at the U.S. Department of Commerce in Room 3720.

*Docket Number: 09-022.* Applicant: Princeton University, Department of Chemical Engineering, A217 Engineering Quadrangle, Princeton, NJ 08544. Instrument: SWAXS Dual 1D Position-Sensitive-Detector (PSD) System. Manufacturer: Hecus X-Ray System GmbH, Austria. Intended Use: The instrument will be used to acquire information regarding block copolymer microstructures. The dual system allows simultaneous acquisition of time resolved small-angle and wide-angle x-ray scattering data, which provides information regarding the morphology of both amorphous and semi-crystalline block copolymers. Justification for Duty-Free Entry: Use of any other detector system would potentially require considerable reconfiguration of the entities current x-ray system. Application accepted by Commissioner of Customs: April 28, 2009.