

**SUMMARY:** The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on pure magnesium from the People's Republic of China ("PRC"), received on May 21, 2009, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is May 1, 2008, through April 30, 2009.

**DATES:** *Effective Date:* June 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Lori Apodaca at (202) 482-4551, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Background**

On May 12, 1995, the Department published in the Federal Register the antidumping duty order on pure magnesium from the PRC. *See Notice of Antidumping Duty Orders: Pure Magnesium From the People's Republic of China, the Russian Federation and Ukraine*, 60 FR 25691 (May 12, 1995). Therefore, May is the anniversary month and a request for a new shipper review is timely filed if made during the six month period ending with the anniversary month. *See* 19 CFR 351.214(d). On May 21, 2009, we received a new shipper review request from an exporter, Tianjin Xiangghaiqi Resources Import & Export Trade Co., Ltd. ("TXR"). On May 28, 2009, TXR submitted a certification from the manufacturer of its subject merchandise, Pan Asia Magnesium Co., Ltd. ("PAM"), certifying that PAM's export activities are not controlled by the government of the PRC. Furthermore, on June 1, 2009, TXR submitted corrections to its May 21, 2009, new shipper review request.

Pursuant to section 751(a)(2)(B)(i)(I) of the Tariff Act of 1930, as amended (the "Act"), and 19 CFR 351.214(b)(2)(ii)(A), TXR certified that it did not export pure magnesium to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(ii)(B), PAM, the producer of the pure magnesium exported by TXR, provided a certification that it did not export the subject merchandise to the United States during the POI. In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), TXR and PAM certified that, since the initiation of the investigation, both have never been affiliated with any exporter or producer who exported pure magnesium 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), TXR and PAM also certified that their export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), TXR submitted documentation establishing the following: (1) The date on which it first shipped pure magnesium for export to the United States; (2) the volume of its first shipment; (3) the date when subject merchandise entered the United States for consumption; and (4) the date of its first sale to an unaffiliated customer in the United States.

The Department requested a U.S. Customs and Border Protection ("CBP") database query for the purpose of substantiating that TXR's shipment of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties. The Department reviewed the CBP data and was able to verify that TXR's shipment of subject merchandise had entered the United States for consumption and that liquidation of such entries had been properly suspended for antidumping duties.

**Initiation of New Shipper Review**

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214, we find that the request submitted by TXR meets the threshold requirements for initiation of a new shipper review for shipments of pure magnesium from the PRC manufactured by PAM and exported by TXR. *See* Memorandum to the File, dated June 8, 2009, regarding TXR's NSR Initiation Checklist.

The POR is May 1, 2008, through April 30, 2009. *See* 19 CFR 351.214(g)(1)(i)(A). We intend to issue preliminary results of this review no later than 180 days from the date of initiation, and 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 and 19 CFR 351.214(h)(i)(1).

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 U.S. 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 pure

magnesium manufactured by PAM and exported by TXR must continue to post cash deposits of estimated antidumping duties on each entry of subject merchandise at the current PRC-wide rate of 108.26 percent.

Interested parties that need 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 published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: June 25, 2009.

**John M. Andersen,**

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

[FR Doc. E9-15488 Filed 6-29-09; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Miami University, et al.**

**Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes**

This is a decision consolidated 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 Avenue., NW, Washington, D.C.

Docket Number: 09-014. Applicant: Miami University, Oxford, OH 45056. Instrument: Electron Microscope. Manufacturer: JEOL, Japan. Intended Use: *See* notice at 74 FR 23394, May 19, 2009.

Docket Number: 09-018. Applicant: Texas A&M University, College Station, TX 77843-4458. Instrument: Electron Microscope. Manufacturer: FEI Company, Czech Republic. Intended Use: *See* notice at 74 FR 23394, May 19, 2009.

Docket Number: 09-020. Applicant: Columbia University, New York, NY 10032. Instrument: Electron Microscope. Manufacturer: FEI Company, the Netherlands. Intended Use: *See* notice at 74 FR 23394, May 19, 2009. Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign

instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: June 22, 2009.

**Christopher Cassel,**

*Acting Director.*

*Subsidies Enforcement Office.*

*Import Administration.*

[FR Doc. E9-15491 Filed 6-29-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Princeton University

#### 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 instrument 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: 09-022. Applicant: Princeton University, Princeton, NJ 08544. Instrument: SWAXS Dual 1D Position-Sensitive-Detector (PSD) System. Manufacturer: Hecus X-Ray System GmbH, Austria. Intended Use: See notice at 74 FR 23393, May 19, 2009. Reasons: The instrument is unique, in that it is a dual system, which allows simultaneous acquisition of time resolved small-angle and wide-angle x-ray scattering data. Justification for Duty-Free Entry: We know of no instrument of the same general category suited to these purposes, which was being manufactured in the United States at the time of order of each instrument

Dated: June 22, 2009.

**Christopher Cassel,**

*Acting Director.*

*Subsidies Enforcement Office.*

*Import Administration.*

[FR Doc. E9-15490 Filed 6-29-09; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[Application No. 84-20A12]

#### Export Trade Certificate of Review

**ACTION:** Notice of Application (#84-20A12) To Amend an Export Trade Certificate of Review Previously Issued to Northwest Fruit Exporters.

**SUMMARY:** Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Acting Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or by E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from State and Federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be

included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five (5) copies, plus two (2) copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021X, Washington, DC 20230, or transmit by E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov). Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 84-20A12."

The original Certificate for Northwest Fruit Exporters was issued on June 11, 1984 (49 FR 24581, June 14, 1984), and last amended on September 17, 2008 (73 FR 54561, September 22, 2008).

A summary of the application for an amendment follows.

#### Summary of the Application:

**Applicant:** Northwest Fruit Exporters ("NFE"), 105 South 18th Street, Suite 227, Yakima, Washington 98901.

**Contact:** James R. Archer, Manager to NFE, Telephone: (509) 576-8004.

**Application No.:** 84-20A12.

**Date Deemed Submitted:** June 18, 2009.

**Proposed Amendment:** NFE seeks to amend its Certificate to:

1. Delete the following companies as Members of the Certificate: Clasen Fruit & Cold Storage Co., Union Gap, WA; Lotus Fruit Packing, Inc., Brewster, WA; Snokist Growers, Yakima, WA; and Tree To You, LLC, Chelan, WA.

2. Add the following companies as new Members of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.1(1)): Cervantes Orchards & Vineyards LLC, Grandview, WA; Columbia Valley Fruit, L.L.C., Yakima, WA; Conrad & Gilbert Fruit, Grandview, WA; Diamond Fruit Growers, Odell, OR; Orchard View Farms, Inc., The Dalles, OR; and Wenoka Sales LLC, Wenatchee, WA.

3. Change the listing of the following Member: Change "Congdon Orchards, Inc., Yakima, WA" to the new listing "Congdon Packing Co. L.L.C., Yakima, WA".