

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders*; Policy Bulletin, 63 FR 18871 (April 16, 1998). The Notice of Initiation of Five-Year ("Sunset") Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 11, 2012.

**Christian Marsh,**

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

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration**

#### **Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review**

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

**FOR FURTHER INFORMATION CONTACT:** Brenda E. Waters, 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) 482-4735.

### **Background**

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended ("the Act"), may request, in accordance with 19 CFR 351.213, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

### **Respondent Selection**

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, 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. We intend to release the CBP data under Administrative Protective Order ("APO") to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be "collapsed" (*i.e.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless

there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies will continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not-collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

### **Deadline for Withdrawal of Request for Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after May 2012, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its "Opportunity to Request Administrative Review" notices, so that interested parties will be aware of the manner in

which the Department intends to exercise its discretion in the future.  
*Opportunity to Request a Review:* Not later than the last day of May 2012,<sup>1</sup>

interested parties may request administrative review of the following orders, findings, or suspended

investigations, with anniversary dates in May for the following periods:

	Period of review
<b>Antidumping Duty Proceedings</b>	
Belgium: Stainless Steel Plate in Coils, A-423-808 .....	5/1/11-4/30/12
Brazil: Iron Construction Castings, A-351-503 .....	5/1/11-4/30/12
Canada: Citric Acid and Citrate Salt, A-122-853 .....	5/1/11-4/30/12
France: Antifriction Bearings, Ball, A-427-801 .....	5/1/11-9/14/11
Germany: Antifriction Bearings, Ball, A-428-801 .....	5/1/11-9/14/11
India:	
Silicomanganese, A-533-823 .....	5/1/11-4/30/12
Welded Carbon Steel Pipes and Tubes, A-533-502 .....	5/1/11-4/30/12
Indonesia: Polyethylene Retail Carrier Bags, A-560-822 .....	5/1/11-4/30/12
Italy: Antifriction Bearings, Ball, A-475-801 .....	5/1/11-9/14/11
Japan: Gray Portland Cement and Cement Clinker, A-588-815 .....	5/1/11-4/30/12
Kazakhstan: Silicomanganese, A-834-807 .....	5/1/11-4/30/12
Republic of Korea:	
Polyester Staple Fiber, A-580-839 .....	5/1/11-4/30/12
Stainless Steel Plate in Coils, A-580-831 .....	5/1/11-4/30/12
South Africa: Stainless Steel Plate in Coils, A-791-805 .....	5/1/11-4/30/12
Taiwan:	
Circular Welded Carbon Steel Pipes and Tubes, A-583-008 .....	5/1/11-4/30/12
Polyethylene Retail Carrier Bags, A-583-843 .....	5/1/11-4/30/12
Polyester Staple Fiber, A-583-833 .....	5/1/11-4/30/12
Stainless Steel Plate in Coils, A-583-830 .....	5/1/11-4/30/12
The People's Republic of China:	
Aluminum Extrusions, A-570-967 .....	11/12/10-4/30/12
Certain Circular Welded Carbon Quality Steel Line Pipe, A-570-935 .....	5/1/11-4/30/12
Citric Acid and Citrate Salt, A-570-937 .....	5/1/11-4/30/12
Iron Construction Castings, A-570-502 .....	5/1/11-4/30/12
Oil Country Tubular Goods, A-570-943 .....	5/1/11-4/30/12
Pure Magnesium, A-570-832 .....	5/1/11-4/30/12
Turkey:	
Light-Walled Rectangular Pipe and Tube, A-489-815 .....	5/1/11-4/30/12
Circular Welded Carbon Steel Pipes and Tubes, A-489-501 .....	5/1/11-4/30/12
Venezuela: Silicomanganese, A-307-820 .....	5/1/11-4/30/12
Vietnam: Polyethylene Retail Carrier Bags, A-552-806 .....	5/1/11-4/30/12
<b>Countervailing Duty Proceedings</b>	
Brazil: Iron Construction Castings, C-351-504 .....	1/1/11-12/31/11
South Africa: Stainless Steel Plate in Coils, C-791-806 .....	1/1/11-12/31/11
The People's Republic of China:	
Aluminum Extrusions, C-570-968 .....	9/7/10-12/31/11
Citric Acid and Citrate Salt, C-570-938 .....	1/1/11-12/31/11
Vietnam: Polyethylene Retail Carrier Bags, C-552-805 .....	1/1/11-12/31/11

**Suspension Agreements**

None.  
 In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act

must state why it desires the Secretary to review those particular producers or exporters.<sup>2</sup> If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which were produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Please note that, for any party the Department was unable to locate in prior segments, the Department will not

accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings*:

<sup>1</sup> Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

<sup>2</sup> If the review request involves a non-market economy and the parties subject to the review request do not qualify for separate rates, all other exporters of subject merchandise from the non-

market economy country who do not have a separate rate will be covered by the review as part of the single entity of which the named firms are a part.

*Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003), the Department has clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders. See also the Import Administration web site at <http://ia.ita.doc.gov>.

All requests must be filed electronically in Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System ("IA ACCESS") on the IA ACCESS Web site at <http://iaaccess.trade.gov>. See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263, (July 6, 2011). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of "Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation" for requests received by the last day of May 2012. If the Department does not receive, by the last day of May 2012, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures "gap" period, of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 12, 2012.

**Christian Marsh**,

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[Application 12-00002]

#### Export Trade Certificate of Review

**ACTION:** Notice of Application for an Export Trade Certificate of Review SunWest Foods, Inc.

**SUMMARY:** The Office of Competition and Economic Analysis, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review ("Certificate"). This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

**FOR FURTHER INFORMATION CONTACT:**

Joseph Flynn, Director, Office of Competition and Economic Analysis, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or email at [etca@trade.gov](mailto:etca@trade.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 a 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 transmitted by email at [etca@trade.gov](mailto:etca@trade.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 12-00002." A summary of the application follows.

#### Summary of the Application

*Applicant:* SunWest Foods, Inc., 1550 Drew Avenue, Suite 150, Davis, California 95618.

*Application No.:* 12-00002.

*Date Deemed Submitted:* April 17, 2012.

*Members (in addition to applicant):*

SunWest Milling Company, Inc. ("SWM") is to be a member that also will be covered by and receive the protections from the proposed Certificate. SWM's principal address is 507 Bannock Street, Biggs, California 95917. SWM and SWF are both privately-held companies owned by the Errecarte family. SWM and SWF are affiliated through common ownership and management.

SunWest seeks a Certificate of Review to engage in the Export Trade Activities and Methods of Operation described below in the following Export Trade and Export Markets:

#### Export Trade

*Products:* SWF proposes to export under the Certificate, directly and through other suppliers, rice and rice products, including, but not limited to: rough rice; brown rice; milled, under milled, and unpolished rice, coated rice; oiled rice; enriched rice; rice bran; polished rice, head rice; broken rice; second head rice; brewers rice; screenings; and rice flour. The purpose and use of these foods products are for human consumption. The NAICS codes that best describes SWF's goods and services is 424490 (Other Grocery and Related Products Merchant Wholesalers). The NAICS Codes that best describe SWM's services are 311212 (Rice Milling) and 115114 (Postharvest Crop Activities).

*Services:* All services related to the export of Products.