

circumstances indicate that the selected margin is not appropriate as AFA, the Department will disregard the margin and determine an appropriate margin. *See Fresh Cut Flowers from Mexico: Final Results of Antidumping Administrative Review*, 61 FR 6812 (February 22, 1996) (where the Department disregarded the highest margin in that case as adverse best information available (the predecessor to facts available) because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). Similarly, the Department does not apply a margin that has been discredited. *See D&L Supply Co. v. United States*, 113 F.3d 1220, 1221 (Fed. Cir. 1997) (ruling that the Department will not use a margin that has been judicially invalidated). To assess the relevancy of the rate used, the Department has no record evidence to call into question Premier's margins. Further, in our recently completed final results for the 2003–2004 review of TRB's, we also applied the 60.95 percent rate to the PRC-wide entity as AFA. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished from the PRC: Amended Final Results of Administrative Review*, 71 FR 9521 (February 24, 2006). Therefore, we determine that the rate from the 1993–1994 review continues to be relevant for use in this administrative review.

As the 1993–1994 margin is both reliable and relevant, we determine that it has probative value. Accordingly, we determine that the highest rate from any segment of this administrative proceeding, 60.95 percent, meets the corroboration criteria established in section 776(c) that secondary information have probative value. As a result, the Department determines that the 1993–1994 margin is corroborated for the purposes of this administrative review and may reasonably be applied to the PRC-wide entity as AFA.

Because these are preliminary results of review, the Department will consider all margins on the record at the time of the final results of review for the purpose of determining the most appropriate final margin for the PRC-wide entity. *See Preliminary Determination of Sales at Less Than Fair Value: Solid Fertilizer Grade Ammonium Nitrate From the Russian Federation*, 65 FR 1139 (January 7, 2000).

#### Preliminary Results of Review

We preliminarily determine that the following weighted-average dumping margins exist for the period June 1, 2005, through May 31, 2006:

#### TRBS FROM THE PRC

Producer/Exporter	Weighted-Average Margin (Percent)
PRC-Wide Entity* .....	60.95

\* Including CPZ and Yantai.

#### Disclosure

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 37 days after the date of publication of this notice. *See* 19 CFR 351.310(d). Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. *See* 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 35 days after the date of publication. *See* 19 CFR 351.309(d). The Department requests that parties submitting written comments also provide the Department with an additional copy of those comments on diskette. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon issuance of the final results, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of the final results of this administrative review. In this review, if these preliminary results are adopted in our final results of review, we will direct CBP to assess the resulting rate against the entered customs value for the subject merchandise on each importer's/customer's entries during the POR.

#### Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by

sections 751(a)(1)(C) and (a)(2)(C) of the Act: (1) for CPZ and Yantai, the cash deposit rate will be that established in the final results of this review; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 60.95 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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 Department is issuing and publishing these preliminary results of administrative review in accordance with sections 751(a) and 777(i)(1) of the Act, and 19 CFR 351.221(b) and 351.214(h).

Dated: March 1, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

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BILLING CODE 3510-DS-S

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

##### Export Trade Certificate of Review

**ACTION:** Notice of Issuance of an Export Trade Certificate of Review, Application No. 06–00003.

**SUMMARY:** On March 16, 2007, the U.S. Department of Commerce issued an Export Trade Certificate of Review to the American Sugar Alliance (“ASA”). This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Anspacher, Director, Export

Trading Company Affairs, International Trade Administration, by telephone at (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. The regulations implementing Title III are found at 15 CFR part 325 (2005).

Export Trading Company Affairs ("ETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the U.S. Department of Commerce to publish a summary of the certification in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the

determination on the ground that the determination is erroneous.

### Description of Certified Conduct

#### Export Trade

Sugar and syrups of U.S. origin, as defined in Chapter Four (Rules of Origin) of the North American Free Trade Agreement, ("U.S.-origin sugar") in any of the following categories:

H.S. Code	Description
1701.11.01 .....	Sugar, with a dry sucrose content that has polarization of 99.4 but not exceeding 99.5 degrees.
1701.11.02 .....	Sugar, with a dry sucrose content that has polarization of 96 but not exceeding 99.4 degrees.
1701.11.03 .....	Sugar, with a dry sucrose content that has polarization of 96 degrees.
1701.12.01 .....	Sugar, with a dry sucrose content that has polarization of 99.4 but not exceeding 99.5 degrees.
1701.12.02 .....	Sugar, with a dry sucrose content that has polarization of 96 but not exceeding 99.4 degrees.
1701.12.03 .....	Sugar, with a dry sucrose content that has polarization of 96 degrees.
1701.91.01 .....	Containing added flavoring or coloring matter.
1701.99.01 .....	Sugar, with a dry sucrose content that has polarization of 99.5 but not exceeding 99.7 degrees.
1701.99.02 .....	Sugar, with a dry sucrose content that has polarization of 99.7 but not exceeding 99.9 degrees.
1701.99.99 .....	Others.
1701.90.01 .....	Refined liquid sugar and inverted sugar.
1806.10.01 .....	With a sugar content weighting not less than 90%.
2106.90.05 .....	Flavored syrups or with added coloring matters (except syrups which have a sugar content less than 90%).

### Export Markets

#### Mexico.

### Export Trade Activities and Methods of Operation

#### Purpose

The ASA will allocate Certificates of Prior Approval ("CPAs") through which Mexico will permit duty-free entry of U.S.-origin sugar into Mexico under the tariff-rate quota ("TRQ") for U.S.-origin sugar through December 31, 2007, as set forth below.

The ASA will allocate CPAs to any sugar beet processor or cane sugar refiner in the United States that is listed as a Producer below.

#### CPA Administration

The ASA will allocate all CPAs at one time. In the event that any CPAs are returned to ASA for any reason, ASA will reallocate those CPAs among interested Producers. The allocation, and any reallocations, will be completed before December 16, 2007.

#### Certificate System

Under the procedures for the TRQ published on October 16, 2006 in the Mexican Diario Oficial, an importer in Mexico must file by December 15, 2007 with the Mexican Government a CPA issued by ASA to obtain a license to allow U.S.-origin sugar to enter into Mexico free of duty under the TRQ. The ASA will allocate CPAs among all Producers who express an interest in obtaining the CPAs based on each

Producer's share of total U.S. sugar refining capacity in 2006, as reported to ASA. The ASA shall issue CPAs to such Producers.

CPAs issued by ASA shall be freely transferable by Producers. Transfers of CPAs after they are issued by ASA will be subject to the normal application of the antitrust laws.

#### Information Collection and Exchange

ASA may ask Producers individually for their production capacity figures for 2006 for the purposes of allocating the CPAs. Producers may supply that information to ASA, and ASA may allocate CPAs to Producers based on this information.

If production capacity information is collected by ASA, it will be collected and collated, and the allocations of CPAs will be made, by an employee or employees of ASA who are not employed by any member of the ASA Executive Committee or any Producer. As of the effective date of the Certificate, such employee or employees shall be the only persons who will have access to the collected production capacity information.

Any exchange of Producers' production capacity information or CPA allocation with other Producers, by Producers, ASA, any ASA member, or any other person is activity that is not protected under this Certificate.

### Cooperation With the U.S. and Mexican Governments

The ASA will consult with the U.S. Government and the Government of Mexico when necessary and provide to them whatever information may be useful in order to facilitate cooperation between the governments concerning the implementation and operation of the CPA System. Furthermore, directly or through the U.S. Government, the ASA will endeavor to accommodate any information requests from the Government of Mexico (while protecting confidential information entrusted to the ASA), and will consult with the Government of Mexico as appropriate. All such information and consultations shall be subject to the provision on Confidential Information (above) and the Terms and Conditions (below).

#### Members (Within the Meaning of Section 325.(1) of the Regulations)

Members (in addition to ASA):

ASA Executive Committee (American Sugarbeet Growers Association, American Sugar Cane League, Florida Sugar Cane League, Inc., Gay & Robinson, Inc., Hawaiian Commercial & Sugar Co., Rio Grande Valley Sugar Growers Inc., Sugar Cane Growers Cooperative of Florida, U.S. Beet Sugar Association), and

Producers (Amalgamated Sugar Company LLC, American Sugar Refining Inc., American Crystal Sugar Company and Sidney Sugars (a subsidiary of American Crystal Sugar Co.), Florida

Crystals Corporation, Hawaiian Commercial & Sugar Company, Imperial Sugar Company, Michigan Sugar Company, Minn-Dak Farmers Cooperative, Southern Minnesota Beet Sugar Cooperative and Spreckels Sugar Company (a subsidiary of Southern Minnesota Beet Sugar Cooperative), U.S. Sugar Corporation, Western Sugar Cooperative and Wyoming Sugar Company LLC).

#### *Protection Provided by Certificate of Review*

This Certificate protects the ASA, its Executive Committee, the Producers and the directors, officers, employees and representatives acting on behalf of the ASA, the ASA Executive Committee and the Producers from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate of Review and carried out during its effective period in compliance with its terms and conditions.

#### *Terms and Conditions of Certificate*

1. In engaging in Export Trade Activities and Methods of Operation, neither ASA, the ASA Executive Committee, any Producer nor any neutral third-party shall intentionally disclose, directly or indirectly, to any Member (including parent companies, subsidiaries, or other entities related to any Member) any information regarding any other Member's costs, production, inventories, domestic prices, domestic sales, domestic customers, domestic production capacity, domestic orders, terms of domestic marketing or sale, or U.S. business plans, strategies, or methods, unless such information is already generally available to the trade or public.

2. If ASA determines that the collection or disclosure of any non-public, company-specific information is necessary for the allocation of CPAs to Producers, ASA must seek an amendment of this Certificate to add such export conduct to this Certificate.

3. ASA, the ASA Executive Committee and the Producers will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of

Operation of a person protected by this Certificate continue to comply with the standards of section 303(a) of the Act.

#### *Effective Period of Certificate*

This Certificate continues in effect from the effective date indicated below until it is relinquished, modified, or revoked, as provided in the Act and the Regulations.

#### *Other Conduct*

Nothing in this Certificate prohibits the ASA, the ASA Executive Committee and the Producers from engaging in conduct not specified in this Certificate, but such conduct is subject to the normal application of the antitrust laws.

#### *Disclaimer*

The issuance of this Certificate of Review to ASA by the Secretary of Commerce with the concurrence of the Attorney General under the provisions of the Act does not constitute, explicitly or implicitly, an endorsement or opinion by the Secretary of Commerce or by the Attorney General concerning either (a) the viability or quality of the business plans of ASA, the ASA Executive Committee or the Producers or (b) the legality of such business plans of ASA, the ASA Executive Committee or the Producers under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country.

The application of this Certificate to conduct in export trade where the United States Government is the buyer or where the United States Government bears more than half the cost of the transaction is subject to the limitations set forth in Section V.(D.) of the "Guidelines for the Issuance of Export Trade Certificates of Review (Second Edition)," 50 FR 1786 (January 11, 1985).

In accordance with the authority granted under the Act and the Regulations, this Certificate of Review is hereby issued to the American Sugar Alliance.

The effective date of the Certificate is March 16, 2007. A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 4100, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: March 20, 2007.

**Jeffrey C. Ansbacher,**  
Director, Export Trading Company Affairs.  
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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Textile and Apparel Products from Vietnam: Import Monitoring Program; Public Hearing

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

**ACTION:** Public Hearing – Import Monitoring of Textile and Apparel Products from Vietnam.

**SUMMARY:** As stated in its January 23, 2007 **Federal Register** notice requesting public comment (72 FR 2860), the Department of Commerce (the Department) will hold a public hearing on its import monitoring program covering textile and apparel products from Vietnam. The hearing will be held on April 24, 2007 in Washington, D.C. Further details regarding the location, time and requirements for speaking at the hearing are provided below.

**DATES:** The hearing will be held on April 24, 2007 starting at 9 AM in the auditorium at the Department of Commerce, 14<sup>th</sup> Street and Constitution Avenue, NW, Washington DC.

#### Participation:

The hearing is open to the public. There are no prerequisites or conditions on participating at the hearing. All are welcome to speak at the hearing subject to the guidelines outlined in this notice. If you plan to attend the hearing, please notify the Department by no later than April 9, 2007, and if you wish to speak at the hearing, please indicate that as well. This can be done in writing or electronically at [vietnam-texapp-hearing@mail.doc.gov](mailto:vietnam-texapp-hearing@mail.doc.gov).

There are no constraints on subject matter relating to the Department's Vietnam textile and apparel import monitoring program; however, speakers should be aware that these hearings will be open to the public and may be videotaped for later viewing on the Vietnam textile and apparel import monitoring website; there will be no provisions for handling or protecting business proprietary information. In preparing their comments, parties may wish to review the Department's December 4, 2006, and January 23, 2007, **Federal Register** notices requesting public comment on the monitoring program and the comments received. This information and the monitored Vietnamese textile and apparel import data is available on the Vietnam textile and apparel import monitoring website at the following address: <http://>