

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket # AMS-FV-2007-0008; FV-06-310]

United States Standards for Grades of Florida Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Reopening and extension of the comment period.

SUMMARY: Notice is hereby given that the comment period on possible revisions to the United States Standards for Grades of Florida Avocados is reopened and extended.

DATES: Comments must be received by August 13, 2007.

ADDRESSES: Interested persons are invited to submit written comments on the Internet at: <http://www.regulations.gov> or the Standardization Section, Fresh Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture; 1400 Independence Ave. SW., Room 1661 South Building, Stop 0240, Washington, DC 20250-0240; or fax (202) 720-8871. Comments should make reference to the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Vincent J. Fusaro, Standardization Section, Fresh Products Branch, (202) 720-2185. The United States Standards for Grades of Florida Avocados are available through the Fresh Products Branch Web site at: <http://www.ams.usda.gov/standards/stanfrfv.htm>.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on March 29, 2007, (72 FR 14709), requesting comments on the possible revision of the United States Standards

for Grades of Florida Avocados. The proposed revision would modify the title of the standard by deleting "Florida," to make the standards generic to cover all avocados. The comment period ended May 29, 2007.

A comment was received on behalf of a foreign government expressing the need for additional time to comment. They requested an extension to the comment period to allow further review of the proposed revisions and their potential impact.

After reviewing the request, AMS is reopening and extending the comment period in order to allow sufficient time for interested persons, including growers, packers, and trade groups to file comments.

Authority: 7 U.S.C. 1621-1627.

Dated: July 9, 2007.

Lloyd C. Day,

Administrator, Agricultural Marketing Service.

[FR Doc. E7-13549 Filed 7-11-07; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Alpine County, CA, Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92-463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) the Alpine County Resource Advisory Committee (RAC) will meet on Thursday, July 17, 2007 at 18:00 at the Diamond Valley School for business meetings. The purpose of the meeting is to discuss issues relating to implementing the Secure Rural Schools and Community Self-Determination Act of 2000 (Payment to States) and expenditure of Title II funds. The meetings are open to the public.

DATES: Thursday, July 17, 2007 at 18:00 hours.

ADDRESSES: The meeting will be held at the Diamond Valley School, 35 Hawkside Drive, Markleeville, California 96120. Send written comments to Franklin Pemberton, Alpine County RAC coordinator, c/o

USDA Forest Service, Humboldt-Toiyabe N.F., Carson Ranger District 1536 So. Carson Street, Carson City, NV 89701.

FOR FURTHER INFORMATION CONTACT: Alpine Co. RAC Coordinator, Franklin Pemberton at (775) 884-8150; or Gary Schiff, Carson District Ranger and Designated Federal Officer, at (775) 884-8100, or electronically to fpemberton@fs.fed.us.

SUPPLEMENTARY INFORMATION: The Meeting is open to the public. Council discussion is limited to Forest Service staff and Council members. However, persons who wish to bring urban and community forestry matters to the attention of the council may file written statements with the Council staff before and after the meeting.

Dated: July 3, 2007.

Edward Monnig,

Forest Supervisor, Humboldt-Toiyabe N.F.

[FR Doc. 07-3383 Filed 7-11-07; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

A-570-831

Fresh Garlic from the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews

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

EFFECTIVE DATE: July 12, 2007.

SUMMARY: The Department of Commerce ("Department") has determined that five requests for new shipper reviews ("NSRs") of the antidumping duty order on fresh garlic from the People's Republic of China ("PRC"), received on May 17, May 21, and May 28, 2007, respectively, meet the statutory and regulatory requirements for initiation. The period of review ("POR") for the five NSRs which the Department is initiating is November 1, 2006, through April 30, 2007.

Additionally, the Department has extended the deadline for initiating the new shipper review ("NSR") requested submitted by Henan Weite Industrial ("Weite") on April 30, 2007, by thirty days to July 30, 2007.

FOR FURTHER INFORMATION CONTACT: Julia Hancock, Michael Holton, and Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 482-1394, (202) 482-1324, and (202) 482-0413, respectively.

SUPPLEMENTARY INFORMATION:

Background

The notice announcing the antidumping duty order on fresh garlic from the PRC was published in the **Federal Register** on November 16, 1994. See *Notice of Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) ("Order").¹ On April 30, May 17, May 21, and May 28, 2007, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.214(c), the Department received six new shipper review ("NSR") requests from Henan Weite Industrial ("Weite"), Shandong Chenhe International Trading Co., Ltd. ("Chenhe"), Qingdao Tiantaixing Foods Co., Ltd. ("QTF"), Hebei Golden Bird Trading Co., Ltd. ("Golden Bird"), Jining Yongjia Trade Co., Ltd. ("Yongjia"), and Shenzhen Greening Trading Co., Ltd. ("Greening"), respectively. Weite, Chenhe, and Greening certified that they are both the producer and exporter of the subject merchandise upon which the requests for NSRs were based. QTF, Golden Bird, and Jining certified that they were the exporters of the subject merchandise upon which the requests for a NSR were based.

On June 11, 2007, the Fresh Garlic Producers Association and its individual members, Christopher Ranch L.L.C., the Garlic Company, Valley Garlic, and Vessey and Company, Inc., (collectively, "Petitioners") submitted comments requesting that the Department reject the NSR requests from Weite and QTF. Specifically, Petitioners state that both Weite and QTF, which requested NSR reviews, are respondents in the twelfth administrative review ("12th AR") of this *Order*. Accordingly, Petitioners request that the Department reject Weite's and QTF's respective NSR request because: (1) Each exporter's sale is already covered by the 12th AR; (2) neither exporter made a U.S. sale during the POR for this NSR; (3) neither

exporter has provided justification for expanding the POR for this NSR to cover its respective sale; (4) Weite's claim that it did not expect, in November 2006, to be treated as a section A respondent in the 12th AR is not credible; (5) each exporter's decision in November 2006 to request a regular administrative review versus a NSR was likely based on the expectation that (a) it would participate in the 12th AR as a section A respondent, and (b) it would receive a low dumping margin in the 12th AR based on the relatively low dumping rates it expected to be issued for the few 12th AR mandatory respondents; (6) the Department has already stated that it does not have the resources to review every exporter; and (7) allowing these exporters the opportunity request both a NSR and administrative review allows respondents to manipulate the system.

On June 12, 2007, the Department issued letters to Golden Bird, QTF, and Yongjia requesting further information that was not contained within their NSR requests. Additionally, on June 13, 2007, Petitioners submitted comments requesting that the Department reject the NSR requests of Chenhe, QTF, Golden Bird, and Yongjia. Specifically, Petitioners note that each requestor, Chenhe, QTF, Golden Bird and Yongjia, did not serve their respective NSR request on Petitioners, pursuant to 19 CFR 351.303(f)(1)(ii). Additionally, Petitioners argue that the Department should reject the new shipper requests because: (1) Chenhe's request does not contain a certification of counsel, pursuant to 19 CFR 351.303(g)(2); and (2) Golden Bird's, QTF's, and Yongjia's respective requests contain certifications that incorrectly state that their consultant is employed by the respective company.

On June 14, 2007, Golden Bird, QTF, and Yongjia submitted certifications, pursuant to 19 CFR 351.214(b)(2)(ii)(B), from each of their respective producers, that their respective producers had never been affiliated with any exporter or producer who exported subject merchandise to the United States. Additionally, on June 14, 2007, QTF and Yongjia submitted revised public versions of their respective May 21, 2007, NSR requests.

On June 14, 2007, QTF submitted rebuttal comments in response to Petitioners' June 11, 2007, letter, requesting that the Department reject QTF's and Weite's respective NSR requests. Specifically, QTF argues that Petitioners' argument for rejecting its NSR request is without merit because the entry date of its sale is within the POR for this NSR. Additionally, QTF

states that, pursuant to 19 CFR 351.214(j), QTF has the option to participate in this NSR since QTF still has the option to withdraw its request for a review in the 12th AR.

Accordingly, QTF argues that there is no basis for the Department to not initiate a NSR of its sale.

On June 19, 2007, QTF, Golden Bird, and Jining submitted letters notifying the Department that they had served public versions of their respective NSR requests on Petitioners.

On June 21, 2007, Chenhe submitted rebuttal comments in response to Petitioners' June 13, 2007, letter, requesting that the Department reject Chenhe's NSR request. Specifically, Chenhe argues that it served Petitioners with a public version of its NSR request when it was notified of this oversight by the Department. Additionally, Chenhe states that the Department has never terminated a review where the service to an interested party was later remedied. See *Notice of Final Results of Antidumping Duty Administrative Reviews and Final Rescission and Partial Rescission of Antidumping Duty Administrative Reviews: Heavy Forged Hand Tools, Finished and Unfinished, With or Without Handles from the People's Republic of China*, 71 FR 54269 (September 14, 2006) and accompanying Issues and Decision Memorandum at Comment 4. Moreover, Chenhe contends that the U.S. Court of Appeals for the Federal Circuit ("CAFC"), in *PAM*, found that "the failure of a party to provide notice as required by such a regulation does not prejudice the non-notified party." See *PAM S.p.A. v. United States*, 463 F. 3d 1345, 1348 (CAFC 2006) ("PAM"). Accordingly, Chenhe argues that Petitioners' request to not initiate Chenhe's NSR request because Petitioners were not served is without merit. Furthermore, Chenhe contends that Petitioners' argument that Chenhe's NSR request did not contain a certification of counsel is incorrect because page 3 of Chenhe's request does contain a certification of counsel, pursuant to 19 CFR 351.303(g)(2).

On June 26, 2007, the Department issued memoranda documenting its telephone requests to representatives of Chenhe, QTF, Golden Bird, and Jining that they serve Petitioners a public version of their respective NSR requests. See *Memorandum to the File, from Julia Hancock, Senior Case Analyst, RE: Fresh Garlic from the People's Republic of China, Subject: Phone Call with Mark Pardo*, (June 26, 2007); *Memorandum to the File, from Julia Hancock, Senior Case Analyst, RE: Fresh Garlic from the People's Republic of China, Subject:*

¹ Therefore, a request for a NSR based on the semi-annual anniversary month, May, was due to the Department by the final day of May 2007. See 19 CFR 351.214(d)(1).

Phone Call with Jasmine Zhao, (June 26, 2007).

On June 29, 2007, the Department issued a memorandum stating that the Department had received a database query from U.S. Customs and Border Protection ("CBP") that showed inconsistencies in Weite's entry date. See *Memorandum to the File, through Alex Villanueva, Program Manager, from Julia Hancock, Senior Case Analyst, RE: Fresh Garlic from the People's Republic of China, Subject: U.S. Customs and Border Protection Module Run for New Shipper Reviews*, (June 29, 2007) ("CBP Memo").

Pursuant to section 751(a)(2)(B)(i)(I) of the Act, 19 CFR 351.214(b)(2)(i) and 351.214(b)(2)(ii)(A) (for Golden Bird, QTF, and Jining), Weite, Chenhe, QTF, Golden Bird, Jining, and Greening certified that they did not export fresh garlic to the United States during the period of investigation ("POI"). In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Weite, Chenhe, QTF, Golden Bird, Jining, and Greening certified that, since the initiation of the investigation, they have never been affiliated with any PRC exporter or producer who exported fresh garlic 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), Weite, Chenhe, QTF, Golden Bird, Jining, and Greening 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), Weite, Chenhe, QTF, Golden Bird, Jining, and Greening submitted documentation establishing the following: (1) The date on which Weite, Chenhe, QTF, Golden Bird, Jining, and Greening first shipped fresh garlic for export to the United States and the date on which the fresh garlic was first entered, or withdrawn from warehouse, for consumption; (2) the volume of their first shipment;² and (3) the date of their first sale to an unaffiliated customer in the United States.

The Department conducted CBP database queries in an attempt to confirm that Weite, Chenhe, QTF, Golden Bird, Jining, and Greening's shipments 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 also examined whether the CBP data confirmed that such entries were made during the NSR POR.

Analysis of Comment Received

A. Weite and QTF Entries During NSR

We disagree with Petitioners that because Weite and QTF are currently participating as separate rate respondents in the 12th AR, their respective NSR requests should be rejected. While the Department recognizes that both Weite and QTF are currently participating as separate rate respondents in the twelfth administrative review, the evidence submitted by Weite shows that Weite exported merchandise to the United States that entered during the POR of the NSR. However, the Department recognizes that other record evidence does not confirm that the entry date provided by Weite is within the POR of NSR. See *CBP Memo*, at 1. In *Honey from the PRC*, the Department extended the time limit to initiate the NSR in order for Shanghai Bloom International Trading Co., Ltd. ("Shanghai Bloom") to explain or resolve inconsistencies in Shanghai Bloom's entry documentation. See *Notice of Initiation of New Shipper Antidumping Duty Review: Honey from the People's Republic of China*, 71 FR 52764, 52765 (September 7, 2006) ("*Honey from the PRC*"). As in *Honey from the PRC*, because there are certain discrepancies between the documentation provided by Weite and other record evidence obtained from the CBP database, the Department has determined to provide Weite an opportunity to explain or resolve these inconsistencies. Accordingly, pursuant to 19 CFR 351.302(b), the Department is extending the deadline to initiate Weite's NSR until July 30, 2007.

With respect to QTF, the Department finds that the record evidence shows that QTF exported merchandise to the United States that entered during the POR of the NSR. Therefore, on the basis of this evidence, the Department determines to initiate this NSR requested by QTF, pursuant to 19 CFR 351.214(g)(1)(i). However, the Department notes that the record evidence also shows that QTF did not export merchandise to the United States that entered during the period of the 12th AR, which is November 1, 2005, to October 31, 2006. Accordingly, the Department intends to examine this issue in the context of the 12th AR and determine whether to rescind that review of QTF in light of the evidence showing that QTF did not have an entry during the period of the 12th AR.

We also disagree with Petitioners that a NSR request from Weite and QTF should be rejected because neither exporter made a U.S. sale during the NSR period. The Department finds that there is record evidence indicating that Weite and QTF exported subject merchandise to the United States during the POR of the NSR.

Petitioners also argue that the Department should reject Weite and QTF's NSR requests because neither exporter has provided justification for expanding the NSR period to cover its respective sales. In this case, as discussed above, it appears that the merchandise exported by QTF entered the United States during the NSR period. Therefore, an expansion of the NSR period would not be necessary given that the normal suspension of liquidation instruction for this NSR period would include QTF's entry. Furthermore, with respect to Weite, because the Department has extended the deadline to initiate Weite's NSR, Petitioners' argument regarding the timing of Weite's sale will continue to be considered by the Department.

B. Chenhe, QTF, Golden Bird, and Yongjia Service of NSR Requests

Petitioners argue that the Department should reject the NSR requests from Chenhe, QTF, Golden Bird and Yongjia because they did not serve their respective new shipper requests on Petitioners, pursuant to 19 CFR 351.303(f)(1)(ii). Although we agree with Petitioners that Chenhe, QTF, Golden Bird and Yongjia did not originally serve Petitioners with their respective NSR requests, we disagree that the NSR requests should be rejected on this basis. The Department finds that the initial failure to serve Petitioners did not result in substantial prejudice, such that initiation of the NSRs should be denied. On June 6, 2007, the Department faxed copies of all four NSR requests to Petitioners since all four NSR requests were submitted prior to the last day of the anniversary month. Accordingly, the Department finds that Petitioners had sufficient time to review each of these four NSR requests and provide comments for the Department to consider before the initiation deadline of June 30, 2007. On June 20, 2007, the Department notified Chenhe, QTF, Golden Bird, and Yongjia that each were required to serve their individual request on Petitioners. The respective counsel/representative for Chenhe, QTF, Golden Bird, and Yongjia submitted letters notifying the Department that they had served those companies' respective request on Petitioners. See *Chenhe's Response to Petitioners'*

² Weite, Chenhe, QTF, Golden Bird, Jining, and Greening made no subsequent shipments to the United States.

Claims to Reject Chenhe's New Shipper Review Request, (June 21, 2007) at 2; *Letter from Trade Bridge Consulting Services*, (June 19, 2007). Thus, the Department finds that Petitioners did not suffer substantial prejudice due to these companies' initial failure to serve their individual requests upon Petitioners and that the lack of service was rectified in a timely fashion for these companies. See *PAM*, 463 F. 3d 1345, 1348 (CAFC 2006).

C. Chenhe, Golden Bird, QTF and Yongjia Certifications

Petitioners argue that the Department should reject the NSR request from Chenhe because it does not contain a certification of counsel, pursuant to 19 CFR 351.303(g)(2). However, the Department finds that on page 3 of Chenhe's NSR request, Chenhe did include the certification of counsel, pursuant to 19 CFR 351.303(g)(2). Therefore, the Department is not rejecting Chenhe's NSR on the basis that it lacks a certification.

Finally, Petitioners argue that the Department should reject the NSR requests from Golden Bird, QTF, and Yongjia because they did not submit certifications from each of their respective producers that their respective producers had never been affiliated with any exporter or producer who exported subject merchandise to the United States. On June 14, 2007, Golden Bird, QTF, and Yongjia submitted certifications from each of their respective producers that they had never been affiliated with any exporters or producers who exported the subject merchandise. Therefore, the Department is not rejecting the NSR requests of Golden Bird, QTF, and Yongjia on the basis that they lack certifications.

Initiation of New Shipper Reviews

A. Chenhe, QTF, Golden Bird, Jining, and Greening

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Chenhe and Greening meet the threshold requirements for initiation of a NSR for the shipment of fresh garlic from the PRC they produced and exported. See *Memorandum to File from Julia Hancock, Senior Analyst, through Alex Villanueva, Program Manager, Office 9, Initiation of AD New Shipper Review: Fresh Garlic from the People's Republic of China (A-570-831)*, (June 29, 2007) ("*Garlic Memo*"). Additionally, pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that QTF, Golden Bird, and Jining meet the threshold

requirements for initiation of a NSR for the shipment of fresh garlic from the PRC they exported for their respective garlic producer. See *Garlic Memo*.

B. Weite

Pursuant to 19 CFR 351.302(b), the Department finds that further time is needed to determine whether or not to initiate Weite's NSR request because of certain discrepancies between Weite's NSR request and other record evidence. Accordingly, in accordance with 19 CFR 351.302(b), the Department has extended the deadline to initiate Weite's NSR by thirty days to July 30, 2007.

The POR for the five NSRs is November 1, 2006, through April 30, 2007. See 19 CFR 351.214(g)(1)(ii)(A). The Department intends to issue the preliminary results of these reviews no later than 180 days from the date of initiation, and final results of these reviews no later than 270 days from the date of initiation. See section 751(a)(2)(B)(iv) of the Act. Interested parties requiring access to proprietary information in this NSR 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 29, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-13552 Filed 7-11-07; 8:45 am]

BILLING CODE 3510-DS-S

DEPARTMENT OF COMMERCE

International Trade Administration

(A-475-818)

Notice of Partial Rescission of Antidumping Duty Administrative Review: Tenth Administrative Review of the Antidumping Duty Order on Certain Pasta from Italy

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

BACKGROUND: On July 3, 2006, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain pasta from Italy. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review*, 71 FR 37890 (July 3, 2006). We received requests for

review from petitioners¹ and from individual Italian exporters/producers of pasta, in accordance with 19 CFR 351.213(b)(1)&(2). On August 30, 2006, the Department published the notice of initiation of this antidumping duty administrative review covering the period July 1, 2005, through June 30, 2006, listing these four companies as respondents: Atar, S.r.L. ("*Atar*") and Rummo S.p.A. Molino e Pastificio (Rummo), Industria Alimentare Colavita S.p.A. (Indalco) and Corticella Molini e Pastifici S.p.A./Pasta Combattenti S.p.A. (collectively, "*Corticella/Combattenti*"). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 71 FR 51573 (August 30, 2006) ("*Initiation Notice*").

Indalco and Corticella/Combattenti timely withdrew their requests for an administrative review of certain pasta from Italy, respectively, on August 31, 2006, and on November 28, 2006, pursuant to section 351.213(d)(1) of the Department's regulations.

EFFECTIVE DATE: July 12, 2007.

FOR FURTHER INFORMATION CONTACT:

Maura Jeffords, 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) 482-3146.

SUPPLEMENTARY INFORMATION:

Scope of the Order

Imports covered by this order are shipments of certain non-egg dry pasta in packages of five pounds four ounces 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 scope 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 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, by Consorzio per il Controllo dei

¹New World Pasta Company; Dakota Growers Pasta Company; and American Italian Pasta Company.