

*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.*

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## **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 petitioners<sup>1</sup> 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

<sup>1</sup>New World Pasta Company; Dakota Growers Pasta Company; and American Italian Pasta Company.

Prodotti Biologici, or by Associazione Italiana per l'Agricoltura Biologica.

In addition, based on publicly available information, the Department has determined that, as of March 13, 2003, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Istituto per la Certificazione Etica e Ambientale ("ICEA") are also excluded from this order. See Memorandum from Audrey Twyman to Susan Kuhbach, dated February 28, 2006, entitled "Recognition of Istituto per la Certificazione Etica e Ambientale ("ICEA") as a Public Authority for Certifying Organic Pasta from Italy" which is on file in the Department's CRU.

The merchandise subject to this order 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, in whole or in part, pursuant to 19 CFR 351.213(d)(1). In this case, respondents Indalco and Corticella/Combattenti withdrew their respective requests for review within 90 days from the date of initiation. No other interested party requested a review of Indalco or Corticella/Combattenti and we have received no comments regarding their withdrawal. Therefore, consistent with 19 CFR 351.213(d)(1), we are rescinding this review of the antidumping duty order on certain pasta from Italy in part with respect to Indalco and Corticella/Combattenti.

The Department intends to issue assessment instructions 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, 2005, through June 30, 2006.

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: July 3, 2007.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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#### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

**RIN 0648-XB13**

#### Small Takes of Marine Mammals Incidental to Specified Activities; Naval Explosive Ordnance Disposal School Training Operations at Eglin Air Force Base, Florida

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application and proposed authorization for incidental harassment of marine mammals; request for comments and information.

**SUMMARY:** NMFS has received a request from Eglin Air Force Base (EAFB) for the take of marine mammals, by Level B harassment, incidental to Naval Explosive Ordnance Disposal School (NEODS) Training Operations at EAFB, Florida. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to the Air Force to take, by Level B harassment, two species of cetaceans at EAFB beginning in October 2007. NMFS is also requesting comments on its intent to promulgate regulations in 2007 governing the take of marine mammals over a 5-year period incidental to the activities described herein. NMFS issued an IHA for these activities in 2005 and 2006. No activities have occurred to date.

**DATES:** Comments and information must be received no later than August 13, 2007.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is *PR1.0648-XB13@noaa.gov*. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Jaclyn Daly, Office of Protected Resources, NMFS, (301) 713-2289, ext. 144.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such taking are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as:

an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take of marine mammals by harassment. With respect to military readiness activities, the MMPA defines "harassment" as:

(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].