

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: 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>.

Six copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room 1870, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping/Countervailing Operations, Attention: Sheila Forbes, in room 3065 of the main Commerce Building. Further, in accordance with section 351.303(f)(1)(i) of the regulations, a copy of each request must be served on every party on the Department's service list.

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 January 2008. If the Department does not receive, by the last day of January 2008, 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 the U.S. Customs and Border Protection 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. This notice is not required by statute but is published as a service to the international trading community.

Dated: December 19, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

[FR Doc. E7-25501 Filed 12-31-07; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-898]

Chlorinated Isocyanurates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on chlorinated isocyanurates ("chlorinated isos") from the People's Republic of China ("PRC") covering the period December 16, 2004, through May 31, 2006. We invited interested parties to comment on our preliminary results. Based on our analysis of the comments received, we have made changes to our margin calculations. Therefore, the final results differ from the preliminary results.

EFFECTIVE DATE: January 2, 2008.

FOR FURTHER INFORMATION CONTACT: Katharine Huang or Charles Riggle, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1271 or (202) 482-0650, respectively.

Background

On July 17, 2007, the Department published its preliminary results of the antidumping duty order on chlorinated isocyanurates from the PRC. See *Chlorinated Isocyanurates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 39053 (July 17, 2007) ("Preliminary Results"). On August 7, 2007, Clearon Corporation ("Clearon") and Occidental Chemical Corporation ("Petitioners"), petitioners in the underlying investigation, provided additional information on the appropriate surrogate values to use as a means of valuing the factors of production. On the same date, Petitioners and BioLab, Inc. ("BioLab"), a domestic producer of the like product, requested an extension of the briefing schedule. On August 15, 2007, we granted this request to all interested

parties. On August 16, 2007, the Department received a request for a hearing from BioLab. On September 7, 2007, the Department received case briefs from Petitioners and BioLab, and from respondent Hebei Jiheng Chemical Company Ltd. ("Jiheng Chemical"). On September 13, 2007, the Department received rebuttal briefs from Petitioners, BioLab and Jiheng Chemical. On September 27, 2007, the Department held public and closed hearings. On October 24, 2007, Department officials met with counsel for Petitioners. On November 1, 2007, Department officials met with counsel for Jiheng Chemical. On November 13, 2007, Department officials met with counsel for BioLab. On November 14, 2007, the Department extended the time period for completion of the final results until December 14, 2007. See *Chlorinated Isocyanurates from the People's Republic of China: Notice of Extension of Time Limit for the Final Results of the Antidumping Duty Administrative Review*, 72 FR 65563 (November 21, 2007).

We have conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act") and 19 CFR 351.213.

Scope of the Order

The products covered by this order are chlorinated isocyanurates, as described below: Chlorinated isocyanurates are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isocyanurates: (1) trichloroisocyanuric acid (Cl₃(NCO)₃), (2) sodium dichloroisocyanurate (dihydrate) (NaCl₂(NCO)₃•2H₂O), and (3) sodium dichloroisocyanurate (anhydrous) (NaCl₂(NCO)₃). Chlorinated isocyanurates are available in powder, granular, and tableted forms. This order covers all chlorinated isocyanurates.

Chlorinated isocyanurates are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, 2933.69.6050, 3808.40.50, 3808.50.40 and 3808.94.50.00 of the Harmonized Tariff Schedule of the United States ("HTSUS"). The tariff classification 2933.69.6015 covers sodium dichloroisocyanurates (anhydrous and dihydrate forms) and trichloroisocyanuric acid. The tariff classifications 2933.69.6021 and 2933.69.6050 represent basket categories that include chlorinated isocyanurates and other compounds including an unfused triazine ring. Although the HTSUS subheadings are provided for convenience and customs purposes, the

written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the post-preliminary comments by parties in this review are addressed in the memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the 2004-2006 Administrative Review of Chlorinated Isocyanurates from the People's Republic of China" (December 14, 2007) ("Issues and Decision Memorandum"), which is hereby adopted by this notice. A list of the issues that parties raised and to which we responded in the Issues and Decision Memorandum is attached to this notice as an appendix. The Issues and Decision Memorandum is a public document and is on file in the Central Records Unit ("CRU") in room B-099 in the main Commerce Department building, and is also accessible on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of comments received, we have made changes in the margin calculations for Jiheng Chemical. See Issues and Decision Memorandum, at Comments 1-18.

- We revised the calculation of normal value ("NV") to eliminate Jiheng Chemical's by-product credits for discharged chlorine gas, hydrogen gas, sulfuric acid and ammonia gas. See Comment 15.
- We revised the calculation of international ocean freight to include the relevant itemized charges. See Comment 8.
- We revised the calculation of surrogate financial ratios using only financial statements for Kanoria Chemicals & Industries Limited. See Comment 10.
- We corrected errors in calculating U.S. Net price. See Comments 16 and 17.

Final Results of Review

We determined that the following dumping margins exist for the period December 16, 2004, through May 31, 2006.

Exporter/Manufacturer	Weighted-Average Margin Percentage
Jiheng Chemical	18.44

Assessment Rates

The Department intends to issue assessment instructions to U.S. Customs and Border Protection ("CBP") 15 days after the date of publication of these final results of review. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates for merchandise subject to this review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Jiheng Chemical, the cash deposit rate will be 18.44 percent; (2) for previously reviewed or investigated 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, which have not been found to be entitled to a separate rate, the cash-deposit rate will be the PRC-wide rate of 285.63 percent; and (4) for all non-PRC exporters of subject merchandise that have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties. This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or

conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a) and 777(i) of the Act.

Dated: December 14, 2007.

Stephen J. Claeys,
Acting Assistant Secretary for Import Administration.

Appendix

List of Comments and Issues in the Issues and Decision Memorandum

Surrogate Values

- Comment 1: Surrogate Value for Urea
- Comment 2: Surrogate Value for Sodium Chloride (Salt)
- Comment 3: Surrogate Value for Ferric Trichloride
- Comment 4: Surrogate Value for Water
- Comment 5: Surrogate Value for Desiccant
- Comment 6: Surrogate Value for Electricity
- Comment 7: Surrogate Value for Steam Coal
- Comment 8: Surrogate Value for International Ocean Freight
- Comment 9: Surrogate Values from *Chemical Weekly*

Financial Ratios

- Comment 10: Eligibility of DCM as Source for Surrogate Financial Ratios
- Comment 11: DCM's Expenses for Traded Goods in the Financial Ratio Calculation
- Comment 12: Applying Income Offsets in Calculating Financial Ratios
- Comment 13: Changes in Stock for DCM and Kanoria's Cost of Materials Calculations
- Comment 14: Use of Net Cost in Financial Ratio Calculations

By-Products

- Comment 15: Intermediate Input By-Product Offsets for Chlorine Gas, Hydrogen Gas, Sulfuric Acid and Ammonia Gas
 - A. Chlorine Gas
 - B. Hydrogen Gas
 - C. Waste Sulfuric Acid
 - D. Ammonia Gas

Other Issues

- Comment 16: Inclusion of Reimbursement for Certain Materials in U.S. Price
- Comment 17: Correct Treatment of a Raw Material not Provided Free of Charge

Comment 18: Zeroing Methodology
[FR Doc. E7-25498 Filed 12-31-07; 8:45 am]

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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: January 2, 2008.

SUMMARY: The Department of Commerce ("Department") has determined that three requests for new shipper reviews ("NSRs") of the antidumping duty order on fresh garlic from the People's Republic of China ("PRC"), received on November 20 and November 30, 2007, respectively, meet the statutory and regulatory requirements for initiation. The period of review ("POR") for the three NSRs which the Department is initiating is November 1, 2006, through October 31, 2007.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-6905.

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 November 20 and November 30, 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 three new shipper review ("NSR") requests from Anqiu Haoshun Trade Co., Ltd., ("Haoshun"), Ningjin Ruifeng Foodstuff Co., Ltd. ("Ningjin"), and Zhengzhou Yuanli Trading Co., Ltd. ("Yuanli"), respectively. All three companies certified that they are both the producer and exporter of the subject

merchandise upon which the requests for NSRs were based.

On December 4, 2007, the Department documented a phone call to Haoshun's consultant regarding the erroneous POR identified in the caption of Haoshun's NSR request. On December 5, 2007, the Department issued a letter to Haoshun requesting further information that was not contained within its NSR request. On December 10, 2007, Haoshun submitted certifications, pursuant to 19 CFR 351.214(b)(2)(ii)(B) and a correction to the POR indicated in the caption of its request.

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Haoshun, Ningjin, and Yuanli 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), Haoshun, Ningjin, and Yuanli 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), Haoshun, Ningjin, and Yuanli 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), Haoshun, Ningjin, and Yuanli submitted documentation establishing the following: (1) the date on which Haoshun, Ningjin, and Yuanli 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 Haoshun, Ningjin, and Yuanli'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.

Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the

Department finds that Haoshun, Ningjin, and Yuanli 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 Irene Gorelik, 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)*, (December xx, 2007) ("NSR Initiation Memo").

The POR for the three NSRs is November 1, 2006, through October 31, 2007. See 19 CFR 351.214(g)(1)(i)(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.

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 CBP to collect a bond or other security in lieu of a cash deposit in new shipper reviews. Therefore, the posting of a bond under section 751(a)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of fresh garlic from the PRC manufactured and/or exported by Haoshun, Ningjin, and Yuanli must continue to post cash deposits of estimated antidumping duties on each entry of subject merchandise at the current PRC-wide rate of 376.67 percent.

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).

December 21, 2007.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE26

Endangered and Threatened Species; Recovery Plans

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

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

² Haoshun, Ningjin, and Yuanli made no subsequent shipments to the United States.