

the total quantity of subject merchandise sold to that importer during the POR to calculate a per-unit assessment amount. We will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the POR if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*.

#### Cash Deposit Requirements

Consistent with the final results of the 14th AR, we will collect a per kilogram cash-deposit amount. The following cash deposit requirements will be effective upon publication of the final results of this review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(1) of the Act: (1) For subject merchandise produced by Jinxiang County Juxingyuan Trading Co., Ltd. (Juxingyuan) and exported by Qingdao Sea-line, the cash deposit rate will be the per-unit rate determined in the final results of this new shipper review; (2) for subject merchandise exported by Qingdao Sea-line but not produced by Juxingyuan, the cash deposit rate continues to be the per-unit PRC-wide rate. These requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders (APO) 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 which is subject to sanction.

This new shipper review and notice are issued and published in accordance with sections 751(a)(2)(B) and 777(i) of the Act and 19 CFR and 351.214.

Dated: September 24, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

#### Appendix I

Issue 1: The Bona Fides of Qingdao Sea-line's Sale

Issue 2: Surrogate Valuation of Garlic Bulbs

Issue 3: Use of India Wholesale Price Index as Inflater for Surrogate Values

Issue 4: Financial Ratios

Issue 5: Wage Rates

Issue 6: Cold Storage

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### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-570-909]

#### Certain Steel Nails from the People's Republic of China: Initiation of Antidumping Duty New Shipper Review

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

**EFFECTIVE DATE:** October 4, 2010.

**SUMMARY:** The Department of Commerce ("Department") has determined that a request for a new shipper review ("NSR") of the antidumping duty order on certain steel nails ("steel nails") from the People's Republic of China ("PRC"), received on August 27, 2010, meets the statutory and regulatory requirements for initiation. The period of review ("POR") for this NSR is August 1, 2009, through July 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Emeka Chukwudebe, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: 202-482-0219.

**SUPPLEMENTARY INFORMATION:**

#### Background

The notice announcing the antidumping duty order on certain steel nails from the PRC was published in the **Federal Register** on August 1, 2008. See *Notice of Antidumping Duty Order: Certain Steel Nails From the People's Republic of China*, 73 FR 44961 (August 1, 2008) ("*Antidumping Duty Order*"). On August 27, 2010, pursuant to section

751(a)(2)(B)(i) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.214(c), the Department received a NSR request from Shanghai Colour Nail Co., Ltd. ("Shanghai Colour"). Shanghai Colour's request was properly made during August 2010, which is the annual anniversary of the *Antidumping Duty Order*. Shanghai Colour certified that it is the exporter and Wuxi Colour Nail Co., Ltd. ("Wuxi Colour") is the manufacturer of the subject merchandise upon which the request was based. Shanghai Colour also submitted a public version, which adequately summarized proprietary information and provided explanations as to why certain proprietary information is not capable of summarization.

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(ii), Shanghai Colour certified that it did not export steel nails to the United States during the period of investigation ("POI"); and Shanghai Colour provided a certification from Wuxi Colour that it did not export subject merchandise to the United States during the POI. In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Shanghai Colour certified that, since the initiation of the investigation, it has never been affiliated with any Chinese exporter or producer who exported steel nails 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), Shanghai Colour also certified that its 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), Shanghai Colour submitted documentation establishing the following: (1) the date on which Shanghai Colour first shipped steel nails for export to the United States and the date on which the steel nails were first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

The Department conducted U.S. Customs and Border Protection ("CBP") database queries in an attempt to confirm that Shanghai Colour'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. The information we examined was

consistent with that provided by Shanghai Colour.

#### Period of Review

In accordance with 19 CFR 351.214(g)(1)(i)(A), the POR for a new shipper review initiated in the month immediately following the anniversary month will be the twelve-month period immediately preceding the anniversary month. Therefore, under this order, the POR is August 1, 2009, through July 31, 2010. The sales and entries into the United States of subject merchandise exported by Shanghai Colour and produced by Wuxi Colour occurred during this twelve-month POR. Therefore, the POR for this new shipper is August 1, 2009, through July 31, 2010.

#### Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214, the Department finds that Shanghai Colour meets the threshold requirements for initiation of a NSR for the shipment of steel nails from the PRC produced by Wuxi Colour and exported by Shanghai Colour. See "Memorandum to the File From Emeka Chukwudebe, Case Analyst, New Shipper Initiation Checklist: Certain Steel Nails from the People's Republic of China (A-570-909)," dated concurrently with this notice.

The Department intends to issue the preliminary results of this NSR no later than 180 days from the date of initiation, and the final results no later than 90 days from the issuance of the preliminary determination. See section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue a questionnaire to Shanghai Colour which will include a section requesting information with regard to Shanghai Colour's export activities for separate rates purposes. The review will proceed if the response provides sufficient indication that Shanghai Colour is not subject to either *de jure* or *de facto* government control with respect to its export of subject merchandise.

We will instruct CBP to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Shanghai Colour in accordance with section 751(a)(2)(B)(iii) of the Act

and 19 CFR 351.214(e). Because Shanghai Colour certified that its subject merchandise was produced by Wuxi Colour, we will apply the bonding privilege to Shanghai Colour only for subject merchandise produced by Wuxi Colour.

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 19 CFR 351.306. This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 19 CFR 351.221(c)(1)(i).

Dated: September 28, 2010.

**Susan H. Kuhbach,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XZ31**

#### Endangered Species; File No. 14176

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Michael Mangold (Permit Holder and Principal Investigator), United States Fish and Wildlife Service's Maryland Fishery Resource Office, 177 Admiral Cochrane Drive, Annapolis, MD 21401 has been issued a permit to take shortnose sturgeon for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281-9328; fax (978)281-9394.

**FOR FURTHER INFORMATION CONTACT:** Colette Cairns or Malcolm Mohead, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On March 19, 2010, notice was published in the **Federal Register** (75 FR 13256) that a

request for a scientific research permit to take shortnose sturgeon had been submitted by the above-named Michael Mangold, U.S. Fish and Wildlife Service. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant is authorized to conduct a five-year scientific study determining biological and life history information on shortnose sturgeon in the Potomac River. The permit authorizes non-lethal sampling with anchored gill nets, capturing up to 30 fish annually. Each fish will be captured, weighed, measured, PIT and Floy tagged, and sampled for genetic tissue analysis. A sub-set of 10 fish will be acoustically tagged, 5 internally and 5 externally, released, and tracked, determining seasonal movement and habitat selection. Additionally, the applicant is authorized to use D-nets lethally collecting up to 20 shortnose sturgeon in early life stages annually to estimate spawning success and periodicity.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered or threatened species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: September 27, 2010.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XZ15**

#### Marine Mammals and Endangered Species; File Nos. 808-1735, 14233, 14506, 14603, and 14726

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

**ACTION:** Notice; issuance of permits and permit amendment.

**SUMMARY:** Notice is hereby given that NMFS has issued four permits and a permit amendment to conduct research