

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-583-816]

**Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part**

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

**SUMMARY:** In response to requests from respondent Ta Chen Stainless Pipe Co., Ltd. (Ta Chen) and from Flowline Division of Markovitz Enterprises, Inc. (Flowline Division), Gerlin, Inc., Shaw Alloy Piping Products, Inc., and Taylor Forge Stainless, Inc., (collectively, petitioners), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain stainless steel butt-weld pipe fittings (pipe fittings) from Taiwan. Petitioners requested that the Department conduct the administrative review for Ta Chen, Liang Feng Stainless Steel Fitting Co., Ltd. (Liang Feng), Tru-Flow Industrial Co., Ltd. (Tru-Flow), Censor International Corporation (Censor), and PFP Taiwan Co., Ltd. (PFP).

With regard to Ta Chen, we preliminarily determine that sales have been made below normal value (NV). On September 28, 2006, Tru-Flow, Liang Feng, Censor, and PFP certified that they had no sales or shipments of subject merchandise to the United States during the period of review (POR). Based on Tru-Flow's, Liang Feng's, Censor's, and PFP's certified statements and on information from U.S. Customs and Border Protection (CBP) indicating that these companies had no shipments to the United States of the subject merchandise during the POR, we hereby give notice that we intend to rescind the review regarding these four companies. For a full discussion of the intent to rescind with respect to Liang Feng, Tru-Flow, Censor and PFP, see the "Notice of Intent to Rescind in Part" section of this notice.

If these preliminary results of review of Ta Chen's sales are adopted in the final results, we will instruct CBP to assess antidumping duties on appropriate entries based on the difference between the constructed export price (CEP) and the NV. Interested parties are invited to comment on these preliminary results. Parties who submit comments in this proceeding are requested to submit with the argument: 1) a statement of the

issues, 2) a brief summary of the argument, and 3) a table of authorities.

**EFFECTIVE DATE:** July 2, 2007.

**FOR FURTHER INFORMATION CONTACT:** Judy Lao or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-7924 or (202) 482-3019, respectively.

**SUPPLEMENTARY INFORMATION:****Period of Review**

The POR for this administrative review is June 1, 2005, through May 31, 2006.

**Background**

On June 16, 1993, the Department published in the **Federal Register** the antidumping duty order on pipe fittings from Taiwan. See *Amended Final Determination and Antidumping Duty Order: Certain Stainless Steel Butt-Weld Pipe and Tube Fittings from Taiwan*, 58 FR 33250 (June 16, 1993). On June 2, 2006, the Department published a notice of opportunity to request administrative review for the period June 1, 2005, through May 31, 2006. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 70 FR 32032 (June 2, 2006).

In accordance with 19 CFR 351.213(b)(1) and (2), on June 22, 2006, petitioners requested an antidumping duty administrative review for Ta Chen, Liang Feng, Tru-Flow, Censor International, and PFP (collectively, respondents), and on June 29, 2006, Ta Chen requested an administrative review. On July 27, 2006, and August 30, 2006, the Department published notices initiating this administrative review. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 71 FR 42626 (July 27, 2006), and *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 71 FR 51573 (August 30, 2006).

On August 4, 2006, the Department issued its antidumping duty questionnaire to Ta Chen, and on August 31, 2006, the Department issued its antidumping duty questionnaire to Liang Feng, Tru-Flow, Censor International, and PFP. On September 11, 2006, Ta Chen submitted its response to section A of the Department's questionnaire. In addition, on September 28, 2006, the Department received statements from four of the respondents, Liang Feng, Tru-Flow,

Censor, and PFP, certifying that they had neither sales nor exports of subject pipe fittings to the United States during the POR. On September 26, 2006, Ta Chen submitted its responses to sections B, C, and D of the Department's questionnaire.

On September 27, 2006, petitioners submitted comments regarding Ta Chen's section A response, primarily regarding alleged affiliation issues. On October 30, 2006, petitioners submitted comments on Ta Chen's section B, C, and D responses. On December 11, 2006, as a supplement to its September 27, 2006 comments, petitioners submitted additional comments regarding the disclosure requirements of related parties under U.S. Generally Accepted Accounting Principles (GAAP). On December 20, 2006, the Department issued a supplemental section D questionnaire to Ta Chen. On January 16, 2007, the Department issued a supplemental section A through C questionnaire to Ta Chen. Ta Chen responded to the Department's section D supplemental questionnaire on January 17, 2007. On February 15, 2007, Ta Chen responded to the Department's supplemental section A through C questionnaire.

On February 22, 2007, the Department extended the time limit for the preliminary results of this administrative review by 120 days, to not later than July 2, 2007. See *Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Notice of Extension of Time Limit for Preliminary Results in Antidumping Duty Administrative Review*, 72 FR 7953 (February 22, 2007). On March 15, 2007, the Department issued a second section A through C supplemental questionnaire to Ta Chen. Ta Chen submitted its response to the Department's section A through C second supplemental response, and response regarding petitioners' comments on April 6, 2007.

On April 16, 2007, the Department issued a third section A through C supplemental questionnaire response. Ta Chen submitted its response to the Department's third section A through C supplemental questionnaire on April 25, 2007, which included a response to petitioner's March 23, 2007, comments. On May 7, 2007, petitioners submitted comments on Ta Chen's April 25, 2007, questionnaire response. On May 17, 2007, Ta Chen submitted a response on petitioners' May 7, 2007, comments. On May 22, 2007, petitioners submitted comments to Ta Chen's May 17, 2007 submission. On May 24, 2007, the Department issued a fourth section A through D supplemental questionnaire to Ta Chen. Ta Chen submitted its

response to the Department's third section A through D supplemental questionnaire on June 14, 2007. On June 18, 2007, petitioners submitted a request to the Department that it take additional steps to confirm that there were no shipments or entries from Liang Feng, Tru-Flow, Censor, and PFP of pipe fittings to the United States.

#### Notice of Intent to Rescind Review in Part

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or with respect to a particular exporter or producer, if the Secretary concludes that there were no entries, exports, or sales of the subject merchandise during the POR. *See, e.g., Certain Oil Country Tubular Goods from Mexico: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission*, 71 FR 27676-78 (May 12, 2006); *Stainless Steel Sheet and Strip in Coils from Japan: Final Rescission of Antidumping Duty Administrative Review*, 71 FR 26041 (May 3, 2006).

On September 28, 2006, Liang Feng, Tru-Flow, PFP, and Censor each submitted letters on the record certifying that their firms had no sales, entries, or exports of pipe fittings to the United States during the POR. To confirm their statements, the Department conducted a CBP data inquiry and determined that there were no identifiable entries of pipe fittings during the POR manufactured or exported by Liang Feng, Tru-Flow, PFP or Censor. *See Memo to the File, through Angelica Mendoza, Program Manager from Judy Lao: Ta Chen Stainless Pipe Co., Ltd. No Shipments Inquiry dated June 13, 2007*. Therefore, in accordance with 19 CFR 351.213(d)(3), the Department preliminarily intends to rescind this review as to Liang Feng, Tru-Flow, PFP and Censor.

#### Scope of the Order

The products covered by this review are certain stainless steel butt-weld pipe fittings, whether finished or unfinished, under 14 inches inside diameter. Certain welded stainless steel butt-weld pipe fittings are used to connect pipe sections in piping systems where conditions require welded connections. The subject merchandise is used where one or more of the following conditions is a factor in designing the piping system: (1) corrosion of the piping system will occur if material other than stainless steel is used; (2) contamination of the material in the system by the system itself must be prevented; (3) high temperatures are

present; (4) extreme low temperatures are present; and (5) high pressures are contained within the system.

Pipe fittings come in a variety of shapes, with the following five shapes the most basic: elbows, tees, reducers, stub ends, and caps. The edges of finished pipe fittings are beveled. Threaded, grooved, and bolted fittings are excluded from the order. The pipe fittings subject to the order are currently classifiable under subheading 7307.23.00 of the Harmonized Tariff Schedule of the United States (HTSUS).

Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the review is dispositive. Pipe fittings manufactured to American Society of Testing and Materials specification A774 are included in the scope of this order.

#### Affiliation

We note that in this proceeding there is an ongoing claim by the petitioners that Ta Chen and its U.S. subsidiary, Ta Chen International Corporation (TCI), have several related parties that were not disclosed in its financial statements, and therefore, Ta Chen's and TCI's financial statements (and thus its underlying accounting records) should not be relied upon for the purposes of this determination. For the preliminary results, we have determined that the evidence on the record does not warrant a finding that the Department should disregard Ta Chen's or TCI's financial statements. However, we intend to solicit additional information from Ta Chen regarding its current affiliation with certain entities alleged by petitioners for our final results.

#### Product Comparisons

For the purpose of determining appropriate product comparisons to pipe fittings sold in the United States, we considered all pipe fittings covered by the scope that were sold by Ta Chen in the home market during the POR to be "foreign like products," in accordance with section 771(16) of the Tariff Act of 1930, as amended (the Act). Where there were no contemporaneous sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the physical characteristics reported by Ta Chen, as follows: specification, seam, grade, size and schedule.

The record shows that Ta Chen both purchased from and entered into tolling arrangements with unaffiliated Taiwanese manufacturers of pipe fittings. We have preliminarily determined that Ta Chen is the sole

exporter of the pipe fittings under review, because record evidence, such as purchase orders, does not indicate that these manufacturers had knowledge that the pipe fittings would be exported to the United States. Therefore, knowledge that the pipe fittings would also be sold to the United States cannot be imputed to those unaffiliated manufacturers. *See* 19 CFR 351.401(h).

Section 771(16)(A) of the Act defines "foreign like product" to be "{t}he subject merchandise and other merchandise which is identical in physical characteristics with, and was produced in the same country by the same person as, that merchandise." Thus, consistent with the Department's past practice in reviews under this order, for products that Ta Chen has identified with certainty that it purchased from a particular unaffiliated producer and resold in the U.S. market, we have restricted the matching of products to products purchased by Ta Chen from the same unaffiliated producer and resold in the home market. *See, e.g., Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 71 FR 39663 (July 13, 2006), and *Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 70 FR 39735 (July 11, 2005).

#### Date of Sale

The Department's regulations state that it will normally use the date of invoice, as recorded in the exporter's or producer's records kept in the ordinary course of business, as the date of sale. *See* 19 CFR 351.401(i). If the Department can establish "a different date {that} better reflects the date on which the exporter or producer establishes the material terms of sale," the Department may choose a different date. *Id.*

In the present review, Ta Chen claimed that invoice date should be used as the date of sale in both the home market and the U.S. market. *See* Ta Chen's Section A Resp., at 14-16 (Sept. 11, 2006). For home market (HM) sales, the Department examined whether the date Ta Chen issued its *pro forma* invoice or its actual invoice best reflects the date of sale and determined that actual invoice date should be the sale date, consistent with the practice in all the previous reviews of this proceeding. *See* Ta Chen's Section B Resp., at 8 (September 26, 2006), Ta Chen's Supplemental Section A through C Resp., at 16 (February 15, 2007), and Ta

Chen's Supplemental Section A through C Resp., at 16–18 (April 6, 2007). For U.S. sales, Ta Chen only had constructed export price (CEP) sales, and we used the invoice date for sales to the first unaffiliated U.S. customer.

#### Fair Value Comparisons

To determine whether sales of pipe fittings by Ta Chen to the United States were made at prices below NV, we compared CEP to NV, as described below. Pursuant to section 777A(d)(2) of the Act, we compared the CEPs of individual U.S. transactions to the monthly weighted-average NV of the foreign like product.

#### Constructed Export Price

Section 772(b) of the Act defines CEP as “the price at which the subject merchandise is first sold (or agreed to be sold) in the United States before or after the date of importation by or for the account of the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter.” Consistent with recent past reviews, pursuant to section 772(b) of the Act, we calculated the price of Ta Chen's sales based on CEP because the sale to the first unaffiliated U.S. customer was made by Ta Chen's U.S. affiliate, TCI. See *Analysis Memorandum for the Preliminary Results of Administrative Review of Certain Stainless Steel Butt-Weld Pipe Fittings from Taiwan: Ta Chen Stainless Pipe Co., Ltd.* (June 25, 2007) (Analysis Memo). Ta Chen has two channels of distribution for U.S. sales: 1) Ta Chen ships the merchandise to TCI for inventory in warehouses and subsequent resale to unaffiliated buyers (stock sales), and 2) Ta Chen ships the merchandise directly to TCI's U.S. customer (indent sales). The Department finds that both stock and indent sales qualify as CEP sales because the original sales contract is between TCI and the U.S. customer. In addition, TCI handles all communication with the U.S. customer, from customer order to receipt of payment, and incurs the risk of non-payment. In addition, TCI handles customer complaints concerning issues such as product quality, specifications, delivery, and product returns. TCI is also responsible for the ocean freight for all U.S. sales and all selling efforts to the U.S. customer. See Ta Chen's Section A Resp., at A10- A13 (Sept. 11, 2006), and Ta Chen's Section A–C Resp. at 1–4, and 13–16 (April 6, 2007).

We calculated CEP based on ex-warehouse or delivered prices to unaffiliated purchasers in the United

States and, where appropriate, we added billing adjustments and deducted discounts. In accordance with section 772(d)(1) of the Act, the Department deducted direct and indirect selling expenses, including inventory carrying costs incurred by TCI for stock sales, related to commercial activity in the United States. We also made deductions for movement expenses, which include foreign inland freight, foreign brokerage and handling, ocean freight, containerization expense, Taiwan harbor construction tax, marine insurance, U.S. inland freight, U.S. brokerage and handling, and U.S. customs duties. Finally, in accordance with sections 772(d)(3) and 772(f) of the Act, we deducted CEP profit.

#### Normal Value

##### 1. Home Market Viability

To determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared Ta Chen's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(B) of the Act. Because Ta Chen's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable. See Ta Chen's Section A Resp., at 2 (Sept. 11, 2006).

##### 2. Cost of Production Analysis

Because we disregarded sales below the cost of production (COP) in the prior administrative review, we have reasonable grounds to believe or suspect that sales by Ta Chen in its home market were made at prices below the COP, pursuant to sections 773(b)(1) and 773(b)(2)(A)(ii) of the Act. See *Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan: Preliminary Results of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 71 FR 39663, 39665–66 (July 13, 2006), and *Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan: Final Results and Final Rescission in Part of Antidumping Duty Administrative Review and Notice of Intent to Rescind in Part*, 71 FR 67098 (Nov. 20, 2006).

Therefore, pursuant to section 773(b)(1) of the Act, we conducted a COP analysis of home market sales by Ta Chen.

##### A. Calculation of COP

In accordance with section 773(b)(3) of the Act, we calculated a weighted-average COP based on the sum of Ta

Chen's cost of materials and fabrication for the foreign like product, plus indirect selling expenses and packing costs. We relied on the COP data submitted by Ta Chen in its original and supplemental cost questionnaire responses. For these preliminary results, the Department did not make any adjustments to the COP calculation. See *Memo to Neal M. Halper, through Michael P. Martin, from Trinette Boyd: Cost of Production and Constructed Value Programming Instructions for the Preliminary Determination – Ta Chen Stainless Pipe Co., Ltd.*, dated July 2, 2007.

##### B. Test of Home Market Prices

We compared the weighted-average COP to home market sales of the foreign like product, as required under section 773(b) of the Act, in order to determine whether these sales had been made at prices below the COP. In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made within an extended period of time in substantial quantities, and were not at prices that permitted the recovery of all costs within a reasonable period of time, in accordance with sections 773(b)(1)(A) and 773(b)(1)(B) of the Act. Where appropriate, we compared the COP to home market prices on a product-specific basis. We deducted imputed credit expenses, indirect selling expenses and packing from home market prices, and, where appropriate, added interest revenue received for late payments by customers.

##### C. Results of COP Test

In accordance with section 773(b)(1) of the Act, when less than 20 percent of Ta Chen's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in substantial quantities, as defined by section 773(b)(2)(C) of the Act. When 20 percent or more of Ta Chen's sales of a given product during the POR were at prices less than the COP, we determined that such sales have been made in “substantial quantities” within an extended period of time, in accordance with sections 773(b)(2)(B) and 773(b)(2)(C) of the Act. In such cases, because we use POR average costs, we also determined that such sales were not made at prices that would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, for purposes of this administrative review, we appropriately disregarded below-cost sales and used

the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

### 3. Price-to-Price Comparisons

As there were sales at prices above the COP for all product comparisons, we based NV on prices to home market customers. We deducted credit expenses and added interest revenue. In addition, we made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Finally, in accordance with section 773(a)(6) of the Act, we also deducted home market packing costs and added U.S. packing costs.

### Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determined NV based on sales in the comparison market at the same level of trade (LOT) as the CEP transaction. The NV LOT is that of the starting-price sales in the comparison market. For CEP, it is the level of the constructed sale from the exporter to the importer. To determine whether NV sales are at a different LOT than CEP sales, we examine different selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT, and the difference affects price comparability as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transaction, where possible, we make an LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales for which we are unable to quantify an LOT adjustment, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in levels between NV and CEP sales affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision).

Ta Chen reported two channels of distribution in the home market: unaffiliated distributors and end-users. We examined the selling activities reported for each channel of distribution and organized the reported selling activities into the following four selling functions: sales process and marketing support, freight and delivery, inventory maintenance and warehousing, and warranty and technical services. We found that Ta Chen's level of selling functions to its home market customers for each of the four selling functions did not vary significantly by channel of distribution. See Ta Chen's Section A

Resp., at A10-14 (Sept. 11, 2006); see also Ta Chen's Sections A-D Suppl. Resp., at 9-14 (Feb. 15, 2007); Ta Chen's Sections A-C Suppl. Resp., at 13-16. Therefore, we preliminarily conclude that the selling functions for the reported channels of distribution constitute one LOT in the comparison market.

For CEP sales, we examined the selling activities related to each of the selling functions between Ta Chen and its U.S. affiliate, TCI. Ta Chen reported that all of its sales to the United States are CEP sales made through TCI, *i.e.*, through one channel of distribution, and claimed that there is only one LOT. We examined the four selling functions and found that Ta Chen's selling functions for sales to TCI are performed regardless of whether shipments are going to TCI or directly to the unaffiliated customer. Therefore, we preliminarily determine that Ta Chen's U.S. sales constitute a single LOT.

We then compared the selling functions Ta Chen provided in the home market LOT with the selling functions provided to the U.S. LOT. In the home market, Ta Chen provides significant selling functions related to the sales process and marketing support, warranty and technical service, inventory maintenance, and some technical services in the comparison market, which it does not for the U.S. LOT. On this basis, we determined that the HM LOT is not similar Ta Chen's U.S. LOT. However, since we have preliminarily determined that there is only one LOT in the home market, we are unable to calculate a LOT adjustment. Because we have preliminarily determined that NV is established at a LOT that is at a more advanced stage of distribution than the LOT of the CEP transactions, and we are unable to quantify a LOT adjustment pursuant to section 773(a)(7)(A) of the Act, for these preliminary results we have applied a CEP offset to the NV-CEP comparisons, in accordance with section 773(a)(7)(B) of the Act.

### Currency Conversion

For purposes of the preliminary results, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank, in accordance with section 773A(a) of the Act.

### Preliminary Results of the Review

As a result of our review, we preliminarily determine the weighted-average dumping margin for the period June 1, 2005, through May 31, 2006, to be as follows:

| %                               | Weighted-Average Margin |
|---------------------------------|-------------------------|
| Ta Chen Stainless Pipe Co., Ltd | 0.52%                   |

The Department will disclose calculations performed for these preliminary results of review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). 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 are limited to issues raised in such briefs or comments and may be filed no later than five days after the time limit for filing the case briefs or comments. See 19 CFR 351.309(d). Parties who submit argument in these proceedings are requested to submit with the argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. See 19 CFR 351.309(c). An 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 two days after the scheduled date for submission of rebuttal briefs. See 19 CFR 351.310(d). The Department will issue the final results of this administrative review, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

Upon completion of this review the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific *ad valorem* rate for merchandise exported by Ta Chen which is subject to this review. The Department intends to issue assessment instructions to CBP 15 days after the publication of final results of this review.

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the period of review produced by Ta Chen or by any of the companies for which we are rescinding this review and for which Ta Chen or each no-shipment

respondent did not know its merchandise would be exported by another company to the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

### Cash Deposit

The following cash deposit requirements will be effective upon publication of the final results of this administrative 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 of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed company will be the rate listed in the final results of review; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the "all others" rate of 51.01 percent, which is the "all others" rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Interested Parties

This notice also serves as a preliminary 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.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 25, 2007.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E7-12750 Filed 6-29-07; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Export Trade Certificate of Review

**ACTION:** Notice of Application to Amend an Export Trade Certificate of Review Issued to Northwest Fruit Exporters.

**SUMMARY:** Export Trading Company Affairs ("ETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

#### FOR FURTHER INFORMATION CONTACT:

Jeffrey Anspacher, Director, Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or 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. An Export Trade Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Export Trading Company Act of 1982 and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

#### Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a non-confidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be non-confidential. An original and five (5) copies, plus two (2) copies of the non-confidential version, should be submitted no later than 20 days after the date of this notice to: Export Trading Company Affairs, International Trade Administration, U.S. Department of Commerce, Room 7021-B H, Washington, DC 20230. Information submitted by any person is exempt from

disclosure under the Freedom of Information Act (5 U.S.C. 552). However, non-confidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 84-18A12."

A summary of the application for an amendment follows.

#### *Summary of the Application:*

*Applicant:* Northwest Fruit Exporters ("NFE"), 105 South 18th Street, Suite 227, Yakima, Washington 98901.

*Contact:* James R. Archer, Manager to NFE, Telephone: (509) 576-8004.

*Application No.:* 84-18A12.

*Date Deemed Submitted:* June 19, 2007.

The original NFE Certificate was issued on June 11, 1984 (49 FR 24581, June 14, 1984) and last amended on September 28, 2006 (71 FR 58785, October 5, 2006).

*Proposed Amendment:* NFE seeks to amend its Certificate to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): K-K Packing & Storage, LLC, Zillah, Washington; Manzaneros Mexicanos De Washington, Yakima, Washington; and Valicoff Fruit Co., Inc., Wapato, Washington;
2. Delete the following companies as "Members" of the Certificate: Cascade Fresh Fruits, LLC, Manson, Washington; John's Farm LLC, Brewster, Washington; Lloyd Garretson Co., Yakima, Washington; Obert Cold Storage, Inc., Zillah, Washington; PAC Marketing International, LLC, Yakima, Washington; Rowe Farms, Inc., Naches, Washington; and Voelker Fruit and Cold Storage, Yakima, Washington; and
3. Change the listing of the following "Member": Sage Processing LLC, Wapato and Zillah, Washington to the new listing Pacific Coast Cherry Packers, LLC, Yakima, Washington.

Dated: June 26, 2007.

**Jeffrey Anspacher,**

*Director, Export Trading Company Affairs.*

[FR Doc. E7-12756 Filed 6-29-07; 8:45 am]

BILLING CODE 3510-DR-P

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

#### Meeting of the DOD Advisory Group on Electron Devices

**AGENCY:** Department of Defense, Advisory Group on Electron Devices.