

pursuant to section 773(a)(7)(A) of the Act. Therefore, 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.

The Department intends to examine this issue fully for the final results in light of comments by parties on this issue.

#### 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 producer/exporter listed below for the period June 1, 2006, through May 31, 2007, to be as follows:

Weighted-Average Margin  
Ta Chen Stainless Pipe Co., Ltd  
2.93%

#### Disclosure and Public Comment

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice. See 19 CFR 351.224(b). Pursuant to 19 CFR 351.309, interested parties may submit cases briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument: 1) a statement of the issue; 2) a brief summary of the argument; and, 3) a table of authorities.

Interested parties who wish to request a hearing or to participate if one is requested must submit a written request to the Assistant Secretary for Import Administration, Room 1870, within 30 days of the date of publication of this notice. Requests should contain: 1) the party's name, address and telephone number; 2) the number of participants; and, 3) a list of issues to be discussed. See 19 CFR 351.310(c). Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department will issue the final results of the administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this

notice, 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 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 30, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8-15475 Filed 7-7-08; 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:** July 8, 2008.

**SUMMARY:** The Department of Commerce (Department) has determined that six timely requests for new shipper reviews (NSRs) of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) meet the statutory and regulatory requirements for initiation. For three of the six NSRs which the Department is initiating, the period of review (POR) is November 1, 2007 through April 30, 2008. For the remaining three NSRs where the shipments entered after the POR, the Department is initiating and extending the POR by forty days, pursuant to 19 CFR 351.214(f)(2)(ii).

**FOR FURTHER INFORMATION CONTACT:** Martha Douthit or Elfi Blum, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5050 or (202) 482-0197, 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*).<sup>1</sup> On May 22, May 23, May 27, and May 30, 2008, 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 timely requests for new shipper reviews (NSR) from Jinxiang Hejia Co., Ltd (Hejia), Weifang Chenglong Import & Export Co., Ltd. (Chenglong), Jinxiang Tianheng Trade Co., Ltd (Tianheng), Juye Homestead Fruits and Vegetables Co., Ltd. (Juye Homestead), Chengwu County Yuanxiang Industry & Commerce, Ltd. (Chengwu), and Shandong Jinxiang Zhengyang Import & Export Co., Ltd. (Zhengyang), respectively. Five companies certified that they are both the producer and exporter of the subject merchandise upon which the requests for NSRs were based. One company, Chenglong, certified that it is the exporter of Jianxiang County Jichao Farm Business Co., Ltd. (Jichao), producer of the subject merchandise.

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang 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), Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang 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), Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang, also certified that their export activities were not controlled by the central government of the PRC.

Pursuant to 19 CFR 351.214(b)(2)(ii)(B), Jichao, the producer of the subject merchandise for Chenglong during the POR, certified that it did not export to the United States during the POI, and has never been affiliated with any exporter or

producer who exported the subject merchandise to the United States during the POI.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang submitted documentation establishing the following: (1) the date on which Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang 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;<sup>2</sup> and (3) the date of their first sale to an unaffiliated customer in the United States.

The Department conducted CBP database queries and confirmed that Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang'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 confirmed by examining the CBP data that such entries were made during the NSR POR, or shortly thereafter. See Memorandum to File: New Shipper Review of Fresh Garlic from the People's Republic of China, Placing CBP data on the record, dated concurrently with this notice. Under 19 CFR 351.214(f)(2)(ii), when the sale of the subject merchandise occurs within the period of review (POR), but the entry occurs after the normal POR, the POR may be extended unless it would be likely to prevent the completion of the review within the time limits set by the Department's regulations. The preamble to the Department's regulations states that both the entry and the sale should occur during the POR, and that under "appropriate" circumstances the Department has the flexibility to extend the POR. See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27319–27320 (May 19, 1997). In this instance, for three of the exporters requesting a NSR, the sales were made during the POR but the shipments entered shortly after the end of the POR. The exporters provided documentation showing the date of entry following the end of the POR. It is appropriate for the Department to extend the POR by forty days. The Department does not find that this delay would prevent the completion of the review within the

time limits set by the Department's regulations.

## 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 Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang meet the threshold requirements for initiation of a NSR for their shipments of fresh garlic from the PRC. See Memorandum to File: Initiation of AD New Shipper Review: Fresh Garlic from the People's Republic of China, and the attached New Shipper Initiation Checklists, dated concurrently with this notice.

The POR for the three NSRs with shipments which entered during the POR is November 1, 2007 through April 30, 2008. See 19 CFR 351.214(g)(1)(i)(B). As discussed above, under 19 CFR 351.214(f)(2)(ii), when the sale of the subject merchandise occurs within the POR, but the entry occurs after the normal POR, the POR may be extended. Therefore, the POR for the NSR of the remaining three exporters and producers discussed above will be November 1, 2007 through May 31, 2008. The Department intends to issue the preliminary results of these reviews no later than 180 days from the date of initiation, and the 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)(2)(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 Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang 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).

<sup>1</sup> 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 2008. See 19 CFR 351.214(d)(1).

<sup>2</sup> Hejia, Chenglong, Tianheng, Juye Homestead, Chengwu, and Zhengyang made no subsequent shipments to the United States.

Dated: June 30, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of Colorado, et al., Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, as amended by Pub. L. 106-36; 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 2104, U.S. Department of Commerce, 14th and Constitution Ave, NW, Washington, D.C.

Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, that was being manufactured in the United States at the time of its order. *Docket Number: 08-016.* Applicant: University of Colorado, Boulder, CO 80309. Instrument: Three-Channel Digital Radio Vector Field Sensor (RVFS). Manufacturer: Swedish Institute of Space Physics, Sweden. Intended Use: See notice at 73 FR 30377, May 27, 2008. Reasons: The instrument has a capability to work with dipole antennas of two different lengths (1 m and 3 m) and a capability to oversample the output I&Q data. These specifications enable the instrument to operate in both mobile-mount and stationary conditions which is essential to the intended use.

*Docket Number: 08-017.* Applicant: City College of the City University of New York, New York, NY 10031. Instrument: Ultrabroadband Ti:Sapphire Laser Model Rainbow-DFG. Manufacturer: Femtolasers, Inc., Austria. Intended Use: See notice at 73 FR 30377, May 27, 2008. Reasons: The instrument can generate optical pulses of less than 7 femtoseconds which is fundamental to the intended use. The amplifier system will be coupled with a 6 femtosecond laser and streak camera system to provide high spatial, high temporal and high spectral resolution for characterization, tunneling and carrier/phonon dynamics studies for nanoscale semiconductor quantum structures and devices.

Dated: July 1, 2008.

**Faye Robinson,**

*Director, Statutory Import Programs Staff, Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

C-570-926

#### Sodium Nitrite From the People's Republic of China: Final Affirmative Countervailing Duty Determination

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

**SUMMARY:** The Department of Commerce (the Department) has reached a final determination that countervailable subsidies are being provided to producers/exporters of sodium nitrite from the People's Republic of China (PRC). On April 11, 2008, we issued the Preliminary Determination, *see Sodium Nitrite From the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination*, 73 FR 19816 (April 11, 2008) (Preliminary Determination). Because neither the Government of the People's Republic of China (GOC) nor the two mandatory company respondents participated in this investigation, the Department relied on facts available and applied adverse inferences in reaching the *Preliminary Determination*. The Department assigned a countervailable subsidy rate to each program under investigation using rates calculated in *Coated Free Sheet Paper from the People's Republic of China: Final Affirmative Countervailing Duty Determination*, 72 FR 60645 (October 25, 2007) and accompanying *Issues and Decision Memorandum (CFS from the PRC)*. We invited interested parties to comment on the *Preliminary Determination*. No interested party submitted comments regarding the *Preliminary Determination*.

Since the publication of the *Preliminary Determination*, the Department has reached affirmative final countervailing duty determinations in several investigations of products from the PRC. We have used the rates calculated in these intervening final determinations to revise the countervailable subsidy rates for certain programs. For information on the countervailable subsidy rates, *see* the "Final Determination" section of this notice.

**EFFECTIVE DATE:** July 8, 2008.

#### FOR FURTHER INFORMATION CONTACT:

Gene Calvert or Paul Matino, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3586 or (202) 482-4146, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Case History

The following events have occurred since the publication of the *Preliminary Determination* in the **Federal Register** on April 11, 2008. On April 14, 2008, petitioner (General Chemical LLC) submitted a letter, in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), requesting alignment of the final countervailing duty determination with the final determination in the companion antidumping duty investigation of sodium nitrite from the PRC. On April 28, 2008, the Department aligned the final countervailing duty determination with the final determination in the companion antidumping duty investigation of sodium nitrite from the PRC. *See Sodium Nitrite from the People's Republic of China: Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination*, 73 FR 22920 (April 28, 2008).

##### Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 2006. See 19 CFR 351.204(b)(2).

##### Scope of the Investigation

The merchandise covered by this investigation is sodium nitrite in any form, at any purity level. In addition, the sodium nitrite covered by this investigation may or may not contain an anti-caking agent. Examples of names commonly used to reference sodium nitrite are nitrous acid, sodium salt, anti-rust, diazotizing salts, erinitrit, and filmerine. The chemical composition of sodium nitrite is NaNO<sub>2</sub> and it is generally classified under subheading 2834.10.1000 of the Harmonized Tariff Schedule of the United States (HTSUS). The American Chemical Society Chemical Abstract Service (CAS) has assigned the name "sodium nitrite" to sodium nitrite. The CAS registry number is 7632-00-0. For purposes of the scope of this investigation, the narrative description is dispositive, not the tariff heading, CAS registry number or CAS name, which are provided for convenience and customs purposes.