

audit findings have not been resolved or if directed by the United States. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the grant for the purpose of making audits, examinations, excerpts, and transcripts.

#### E. Procurement

Grantee will comply with the applicable procurement requirements of 7 CFR part 3015 regarding standards of conduct, open and free competition, access to contractor records, and equal employment opportunity requirements.

#### F. Reporting

1. Grantee will after grant approval through project completion:

(i) Provide periodic reports as required by the Grantor. A financial status report and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). For the purposes of this grant, semiannual periods end on June 30 and December 31. The financial status report must show how grant funds and leveraged funds have been used to date and project the funds needed and their purposes for the next quarter. Grantees shall constantly monitor performance to ensure that time schedules are being met and projected goals by time periods are being accomplished. The project performance reports shall include the following:

(A) *Semiannual performance reports.* Project performance reports shall include, but not be limited to, the following:

(1) A comparison of actual accomplishments to the objectives established for that period (e.g., the number of audits performed, number of recipients of renewable energy development assistance);

(2) Problems, delays, or adverse conditions, if any, which have affected or will affect attainment of overall project objectives, prevent meeting time schedules or objectives, or preclude the attainment of particular project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or planned to resolve the situation;

(3) Percent of financial resources expended on contractors; and

(4) Objectives and timetable established for the next reporting period.

(B) *Final performance report.* A final performance report will be required with the final Financial Status Report.

(1) For energy audit projects, the final performance report must provide the information required in a semiannual performance report; complete information regarding the number of audits conducted; a list of recipients with their North American Industry Classification System code; the location of the recipient; the cost of each audit; the expected energy saved for each audit conducted if the audit is implemented; the number of jobs created and saved for an agricultural producer and rural small business, as applicable, as a result of the grant; and the percent of financial resources expended on contractors.

(2) For renewable energy development assistance projects, the final performance report must provide the information required in a semiannual performance report; complete information regarding a list of recipients with their North American Industry Classification System code; the location of the recipient; the expected renewable energy that would be generated if the projects were implemented; and the percent of financial resources expended on contractors.

(ii) For the year(s) in which grant funds are received, the Grantee will provide an annual financial statement to the Grantor.

2. Grantee will, after project completion:

(i) Allow Grantor access to the records and performance information obtained under the scope of the project; and

(ii) One year after submittal of the final semiannual performance report, the Grantee will provide the Grantor a final status report on the number of projects that are proceeding with one or all of the Grantee's recommendations, including the amount of energy saved and the amount of renewable energy generated, as applicable.

#### G. Grant Disbursement

Unless required by funding partners to be provided on a pro rata basis with other funding sources, grant funds will be disbursed after all other funding sources have been expended.

1. Requests for reimbursement may be submitted monthly or more frequently if authorized to do so by the Grantor. Ordinarily, payment will be made within 30 days after receipt of a proper request for reimbursement.

2. Grantee shall not request reimbursement for the Federal share of amounts withheld from contractors to ensure satisfactory completion of work until after it makes those payments.

3. Payment shall be made by electronic funds transfer.

4. Standard Form 270, "Request for Advance or Reimbursement," or other format prescribed by Grantor shall be used to request Grant reimbursements.

#### H. Use of Remaining Grant Funds

Grant funds not expended within 24 months from date of this agreement will be cancelled by the Agency. Prior to the actual cancellation, the Agency will notify, in writing, the grantee of the Agency's intent to cancel the remaining funds.

*In witness whereof,* Grantee has this day authorized and caused this Agreement to be signed in its name and its corporate seal to be hereunto affixed and attested by its duly authorized officer(s) thereunto, and the Grantor has caused this Agreement to be duly executed in its behalf by:

GRANTOR:

[ [SEAL] \_\_\_\_\_

Name: \_\_\_\_\_

Date \_\_\_\_\_

Title:

UNITED STATES OF AMERICA  
DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT  
GRANTEE:

[ [SEAL] \_\_\_\_\_

Name: \_\_\_\_\_

Date \_\_\_\_\_

Title:

[FR Doc. E9-5154 Filed 3-10-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

A-533-847

#### 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from India: Notice of Final Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The U.S. Department of Commerce (the Department) has determined that 1-hydroxyethylidene-1, 1-diphosphonic acid (HEDP) from India is being, or is likely to be, sold in the United States at less-than-fair-value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are listed in the "Continuation of Suspension of Liquidation" section of this notice.

**EFFECTIVE DATE:** March 11, 2009.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith and Gemal Brangman, AD/CVD Operations, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-1766 and (202) 482-3773, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 21, 2008, the Department published in the **Federal Register** its preliminary determination in the antidumping duty investigation of HEDP from India. See 1–Hydroxyethylidene–1, 1–Diphosphonic Acid from the Republic of India and the People’s Republic of China: Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination, 73 FR 62465 (October 21, 2008) (*Preliminary Determination*).

We conducted verification of the questionnaire responses submitted by Aquapharm Chemicals Private Limited (Aquapharm) in November 2008. See Memorandum to The File from Case Analysts entitled “Verification of the Questionnaire Responses of Aquapharm Chemicals Pvt. Ltd. (Aquapharm) in the Antidumping Duty Investigation of 1–Hydroxyethylidene–1, 1–Diphosphonic Acid (HEDP) from India,” dated January 13, 2009 (Verification Report). The verification report is on file and available in the Central Records Unit (CRU), Room 1117 of the Department’s main building.

On January 26, 2009, Aquapharm and the petitioner submitted case briefs. On February 2, 2009, Aquapharm and the petitioner submitted rebuttal briefs. As neither party requested a hearing, a hearing was not held in this case.

**Period of Investigation**

The period of investigation (POI) is January 1, 2007, to December 31, 2007. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition.

**Scope of Investigation**

The merchandise covered by this investigation includes all grades of aqueous, acidic (non-neutralized) concentrations of 1–hydroxyethylidene–1, 1–diphosphonic acid<sup>1</sup>, also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The CAS (Chemical Abstract Service) registry number for HEDP is

2809–21–4. The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2931.00.9043. It may also enter under HTSUS subheading 2811.19.6090. While HTSUS subheadings are provided for convenience and customs purposes only, the written description of the scope of this investigation is dispositive.

**Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to this antidumping investigation are addressed in the “Issues and Decision Memorandum for the Final Determination in the Less–Than–Fair–Value Investigation of 1–Hydroxyethylidene–1, 1–Diphosphonic Acid from India” from John Andersen, Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration (Decision Memorandum), dated March 5, 2009, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memorandum, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this investigation and the corresponding recommendations in the Decision Memorandum, which is on file in the CRU. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn/>. The paper copy and electronic version of the Decision Memorandum are identical in content.

**Verification**

As provided in section 782(i) of the Act, we verified the information submitted by Aquapharm for use in our final determination. We used standard verification procedures including an examination of relevant accounting and production records, and original source documents provided by Aquapharm. See Verification Report.

**Final Determination Margins**

Manufacturer/Exporter	Weighted–Average Margin (percent)
Aquapharm Chemicals Private Limited .....	3.10
All Others .....	3.10

We determine that the following weighted–average dumping margins exist for the period January 1, 2007, to December 31, 2007:

**Disclosure**

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

**Continuation of Suspension of Liquidation**

Pursuant to section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of HEDP from India, entered, or withdrawn from warehouse, for consumption on or after October 21, 2008, the date of publication of the *Preliminary Determination*. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted–average dumping margins, as indicated above and as follows: (1) the rate for Aquapharm will be 3.10 percent; (2) if the exporter is not a firm identified in this investigation, but the producer is, the rate will be the rate established for the producer of the subject merchandise; (3) the rate for all other producers or exporters will be 3.10 percent. These suspension of liquidation instructions will remain in effect until further notice.

**International Trade Commission Notification**

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. See section 735(c)(2) of the Act. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

**Notification Regarding APO**

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information

<sup>1</sup> C<sub>2</sub>H<sub>8</sub>O<sub>7</sub>P<sub>2</sub> or C(CH<sub>3</sub>)(OH)(PO<sub>3</sub>H<sub>2</sub>)<sub>2</sub>

disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: March 5, 2009.

**Ronald K. Lorentzen,**  
Acting Assistant Secretary for Import Administration.

#### Appendix Issues in Decision Memorandum

1. U.S. Date of Sale
2. U.S. Sales Type Designation
3. Level of Trade
4. U.S. Credit Expenses and Inventory Carrying Costs
5. Verification Corrections

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BILLING CODE: 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-934]

#### 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China: Final Determination of Sales at Less Than Fair Value

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

**EFFECTIVE DATE:** March 11, 2009.

**SUMMARY:** The Department of Commerce (the "Department") has determined that 1-hydroxyethylidene-1, 1-diphosphonic acid ("HEDP") from the People's Republic of China ("PRC") is being, or is likely to be, sold in the United States at less than fair value ("LTFV"), as provided in section 733 of the Tariff Act of 1930, as amended ("the Act"). The final dumping margins for this investigation are listed in the "Final Determination Margins" section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Maisha Cryor or Shawn Higgins, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-5831 and (202) 482-0679, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Case History

On October 21, 2008, the Department published its preliminary determination that HEDP from the PRC is being, or is likely to be, sold in the United States at LTFV, as provided in the Act. See *1-Hydroxyethylidene-1, 1-Diphosphonic Acid From the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 73 FR 62470 (October 21, 2008) ("Preliminary Determination"). For the Preliminary Determination, the Department calculated a 24.30 percent dumping margin for Nanjing University of Chemical Technology Changzhou Wujin Water Quality Stabilizer Factory Ltd. ("Wujin Water"). The Department assigned a 72.42 percent dumping margin to the PRC-wide entity including Changzhou Kewei Fine Chemical Factory ("Kewei") and a 24.30 percent dumping margin to separate rate applicants Changzhou Wujin Fine Chemical Factory Co., Ltd. ("Wujin Fine Chemical") and Jiangsu Jianghai Chemical Group Co., Ltd. ("Jiangsu Jianghai"). On December 3, 2008, Wujin Water provided the Department with its final submission of surrogate values. In December 2008, Compass Chemical International LLC ("Petitioner"), Wujin Water, Wujin Fine Chemical, and Jiangsu Jianghai submitted case briefs and rebuttal briefs.<sup>1</sup> On January 14, 2009, the Department held a public hearing.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by the parties to this investigation are addressed in the "Issues and Decision Memorandum for the Final Determination in the Less-Than-Fair-Value Investigation of 1-Hydroxyethylidene-1, 1-Diphosphonic Acid from the People's Republic of China" ("Issues and Decision Memorandum"), dated concurrently with this notice, which is hereby adopted by this notice in its entirety. A list of the issues which parties raised and to which we respond 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"), Main Commerce Building, Room 1117, and is accessible on the internet at <http://www.trade.gov/ia>. The paper copy and electronic version of the memorandum are identical in content.

<sup>1</sup> Wujin Water, Wujin Fine Chemical, and Jiangsu Jianghai submitted case briefs and rebuttal briefs jointly.

#### Verification

As provided in section 782(i) of the Act, we verified the information submitted by Wujin Water for use in our final determination. We used standard verification procedures including examination of relevant accounting and production records, and original source documents provided by the respondent.

#### Changes Since the Preliminary Determination

Based on our analysis of comments received, we have made certain adjustments to the margin calculations used in the *Preliminary Determination*. These adjustments are discussed in detail in the Issues and Decision Memorandum and are listed below:

1. We recalculated the financial ratios using the April 2005 through March 2006 financial statement of Rencal Chemicals (India) Limited ("Rencal Chemicals").
2. We recalculated the surrogate value for phosphorus trichloride using the April 2004 through March 2005 and April 2005 through March 2006 financial statements of Rencal Chemicals.
3. We recalculated the surrogate value for steam using the April 2007 through March 2008 financial statement of Hindalco Industries Ltd.
4. We revised the transportation distance of chemical drums.

#### Period of Investigation

The period of investigation ("POI") is July 1, 2007, through December 31, 2007. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition, *i.e.*, March 2008. See 19 CFR 351.204(b)(1).

#### Scope of the Investigation

The merchandise covered by this investigation includes all grades of aqueous, acidic (non-neutralized) concentrations of 1-hydroxyethylidene-1, 1-diphosphonic acid<sup>2</sup>, also referred to as hydroxyethylidenediphosphonic acid, hydroxyethanediphosphonic acid, acetodiphosphonic acid, and etidronic acid. The CAS (Chemical Abstract Service) registry number for HEDP is 2809-21-4. The merchandise subject to this investigation is currently classified in the Harmonized Tariff Schedule of the United States ("HTSUS") at subheading 2931.00.9043. It may also enter under HTSUS subheading 2811.19.6090. While HTSUS subheadings are provided for convenience and customs purposes

<sup>2</sup> C<sub>2</sub>H<sub>8</sub>O<sub>7</sub>P<sub>2</sub> or C(CH<sub>3</sub>)(OH)(PO<sub>3</sub>H<sub>2</sub>)<sub>2</sub>.