

*Responsible Official:* The Responsible Official is the Forest Supervisor for the Boise National Forest, Cecilia R. Seesholtz.

*Nature of Decision To Be Made:* The decisions to be made include (1) Should vegetation restoration in the project area be done, and if so, which forested stands should be treated and what silvicultural treatments should be applied? (2) Should activity fuel treatments be completed at this time in the project area, and if so, which treatments should be applied? (3) Should modifications be made to the NFS transportation system as recommended by the Scriver Creek Subwatershed Travel Analysis Process (TAP) Report (USDA Forest Service 2011b), and if so, which road activities should occur? (4) What design features, mitigation measures, and/or monitoring should be applied to the project?

*Preliminary Issues:* Five preliminary issues have been identified: (1) Restoration can be expensive; to improve efficiency and funding support of restoration efforts within the Scriver drainage, additional acres in need of vegetation restoration that are accessible from the existing transportation system should be included; (2) Commercial treatments adjacent to IRAs may impact visual values as viewed by recreationists within the IRA, thus commercial harvest treatments adjacent to IRAs should be eliminated; (3) Permanent national forest system (NFS) roads can increase long term resource impacts and road maintenance funding needs; permanent NFS roads should not be constructed to support timber harvest where temporary roads could meet the access need; (4) To ensure funding for restoration can be capitalized upon when it becomes available, all known soil and water restoration needs within the project area should be identified and included to ensure the NEPA decision is in place to support their immediate implementation; and, (5) Some wildlife species will be impacted by proposed restoration activities which include removal of a portion of the large diameter late seral tree species (e.g. grand fir) in order to promote restoration objectives for early seral tree species (e.g. ponderosa pine); because large diameter trees within low to mid-elevation forests are believed to be relatively scarce on the landscape compared to historic levels, all large diameter trees, regardless of tree species, should be retained to support wildlife species associated with the existing mix of large tree species.

*Permits and Licenses That May Be Required:* The following permits may be required to implement the Proposed

Action under the Clean Water Act: (1) Part 401 Compliance from the Idaho Department of Environmental Quality; (2) Part 401 Stream Alteration Permit from the Idaho Department of Water Resources; (3) Part 404 Permit from the U.S. Army Corps of Engineers; and, (4) National Pollutant Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency.

*Early notice of importance of public participation in subsequent environmental review:* Project scoping occurred in May 2010. No additional scoping efforts will occur as part of the SDEIS preparation process. A Notice of Availability (NOA) will be published in the **Federal Register** and a legal notice will be published in the newspaper of record for the Boise National Forest, the Idaho Statesman, to inform the public when the SDEIS is available for review and comment. The SDEIS will be distributed to all parties who responded during the scoping process in May 2010, to the DEIS released in December 2011, or who otherwise notified the Agency at some point, including following publication of this NOI to prepare a SDEIS, of their interest to continue to receive information pertaining to this proposal.

The SDEIS is expected to be published on or about August 3, 2012. The comment period on the SDEIS will end 45 days following the date of publication of the notice of availability (NOA) in the **Federal Register**. The publication date in the **Federal Register** is the only means for calculating the comment period for the SDEIS. Based on an anticipated SDEIS NOA publication date of August 3, 2012, comments on the SDEIS must be received on or before September 18, 2012. The Final EIS and ROD are anticipated to be released within 30 days following the close of the SDEIS comment period.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of Draft EISs, including SDEISs, must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the Draft EIS, or SDEIS, stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon*

*v. Hodel*, 803 F. 2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the SDEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the SDEIS. Comments may also address the adequacy of the SDEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

In the final EIS, the Forest Service is required to respond to substantive comments received during the comment periods for both the DEIS released in December 2011 and the SDEIS anticipated to be released in August 2012.

**Authority:** 40 CFR 1502.9; Forest Service Handbook 1909.15, Section 18.2.

Dated: June 11, 2012.

**Cecilia R. Seesholtz**,  
Forest Supervisor, Boise National Forest.  
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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-812]

#### Honey From Argentina: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On January 10, 2012, the Department of Commerce (the Department) published its preliminary results of the 2009-2010 administrative review of the antidumping duty order on honey from Argentina.<sup>1</sup> The review

<sup>1</sup> See *Honey From Argentina: Preliminary Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty*

covers imports of subject merchandise from nine companies. The period of review (POR) is December 1, 2009, through November 30, 2010. The final weighted-average dumping margins for the exporters are listed below in the "Final Results of Review" section of this notice.

**DATES:** *Effective Date:* June 18, 2012.

**FOR FURTHER INFORMATION CONTACT:** John Drury or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Room 7850, Washington, DC 20230; telephone (202) 482-0195 or (202) 482-3019, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 10, 2012, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on honey from Argentina for the period December 1, 2009, to November 30, 2010. *See Preliminary Results.* With respect to the margins preliminarily assigned to non-selected companies, in the *Preliminary Results* the Department stated that it intended "to request from all non-selected companies certain information regarding sales of honey made to the United States during the POR to determine the appropriateness of our preliminary margin assignments for these companies." *Id.* at 1462-63. The Department issued a letter to all non-selected respondents requesting quantity and value information for sales made during the POR by each non-selected respondent. The Department received responses from Mielar S.A./ Compañía Apícola Argentina S.A. (Mielar), Patagonik S.A. (Patagonik), Industrial Haedo S.A. (Haedo), A.G.L.H. S.A. (AGLH), and Algodonera Avellaneda, S.A. (Algodonera). The Department did not receive a response from El Maná S.A.

We invited parties to comment on the *Preliminary Results* as well as the responses to the quantity and value information submitted by parties, and received comments from AGLH, Haedo, and Mielar. We did not receive any rebuttal comments and no hearing was requested.

**Period of Review**

The POR is December 1, 2009, through November 30, 2010.

*Administrative Review*, 77 FR 1458 (January 10, 2012) (*Preliminary Results*).

**Scope of the Order**

The merchandise covered by the order is honey from Argentina. The products covered are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form. The merchandise is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. Although the *HTSUS* subheadings are provided for convenience and Customs purposes, the Department's written description of the merchandise under this order is dispositive.

**Analysis of Comments Received**

All issues raised in the case briefs by parties to this administrative review are addressed in the accompanying Issues and Decision Memorandum (I&D Memo), which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the I&D Memo, is attached to this notice as an Appendix. In addition, a complete version of the I&D Memo can be accessed directly by the Internet at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the I&D Memo are identical in content.

**Changes Since the Preliminary Results**

The Department has assigned a rate of zero to all of the non-selected respondents that provided quantity and value information. For El Maná S.A., which did not provide the requested information, we have assigned a rate of 0.77 as adverse facts available. See the I&D Memo for further discussion.

**Final Results of Review**

We determine that the following dumping margins exist for the period December 1, 2009, through November 30, 2010:

Exporter	Weighted-average margin (percentage)
Compania Inversora Platense S.A .....	0.00
TransHoney S.A. and Einsof Trade S.A .....	0.00
AGLH S.A .....	0.00
Algodonera Avellaneda S.A ...	0.00
Compania Apicola Argentina S.A .....	0.00
El Maná S.A .....	0.77

Exporter	Weighted-average margin (percentage)
Industrial Haedo S.A .....	0.00
Mielar S.A .....	0.00
Patagonik S.A .....	0.00

**Assessment Rates**

Pursuant to section 751(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), the Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For assessment purposes, we calculated importer (or customer)-specific assessment rates for merchandise subject to this review. Where appropriate, we calculated an *ad valorem* rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total entered values associated with those transactions. For duty assessment rates calculated on this basis, we will direct CBP to assess the resulting *ad valorem* rate against the entered customs values for the subject merchandise. Where appropriate, we calculated a per-unit rate for each importer (or customer) by dividing the total dumping margins for reviewed sales to that party by the total sales quantity associated with those transactions. For duty-assessment rates calculated on this basis, we will direct CBP to assess the resulting per-unit rate against the entered quantity of the subject merchandise. Where an importer (or customer)-specific assessment rate is *de minimis* (i.e., less than 0.50 percent), the Department will instruct CBP to assess that importer (or customer's) entries of subject merchandise without regard to antidumping duties, in accordance with 19 CFR 351.106(c)(2). The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its automatic assessment regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the POR produced by the company(ies) included in these final results of review for which the reviewed company(ies) did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see

*Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

### Cash Deposit Requirements

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 these final results, consistent with section 751(a)(1) of the Act: (1) for the companies covered by this review, no cash deposit will be required; (2) if the exporter is not a firm covered in this review, but was covered in a previous review or the original less than fair value (LTFV) investigation, 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) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will continue to be 30.24 percent, which is the all-others rate established in the LTFV investigation. See *Notice of Antidumping Duty Order; Honey From Argentina*, 66 FR 63672 (December 10, 2001). These deposit requirements, when imposed, shall remain in effect until further notice.

### Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 doubled antidumping duties.

### Administrative Protective Order

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.

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

Dated: June 8, 2012.

**Paul Piquado**,  
Assistant Secretary for Import Administration.

### Appendix I

#### List of Comments in the Accompanying Issues and Decision Memorandum

Comment 1: Rates Assigned to Non-Selected Respondents

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### Fresh Garlic From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of Administrative Review and Notice of Amended Final Results of Administrative Review

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

**SUMMARY:** On June 5, 2012,<sup>1</sup> the United States Court of International Trade ("CIT") or ("Court") sustained the Department of Commerce's (the "Department") results of redetermination<sup>2</sup> pursuant to the CIT's remand order in *Jinan Yipin Corporation, Ltd. and Shandong Heze International Trade and Developing Company, v. United States*, 774 F. Supp. 2d 1238 (CIT April 12, 2011) ("Jinan Yipin III 2011").

Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("Timken"), as clarified by *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) ("Diamond Sawblades"), the Department is notifying the public that the final judgment in this case is not in

<sup>1</sup> *Jinan Yipin Corporation, Ltd. and Shandong Heze International Trade and Developing Company, v. United States*, Slip Op. 12-68 (CIT June 5, 2012) (judgment).

<sup>2</sup> Final Results of Third Redetermination Pursuant to Court Remand filed with the Court September 7, 2011 (signed September 2, 2011) ("*Jinan Yipin III Redetermination*") available at: <http://www.ia.ita.doc.gov/remands/index.html>.

harmony with *Garlic AR8 Final Results*<sup>3</sup> and is amending the final results of the administrative review of the antidumping duty order on fresh garlic from the People's Republic of China ("PRC") covering the period of review ("POR") of November 1, 2001 through October 31, 2002, with respect to the margins assigned to Jinan Yipin Corporation Ltd. ("Jinan Yipin") and Shandong Heze International Trade And Developing Company ("Shandong Heze").

**DATES:** *Effective Date:* (June 15, 2012).

**FOR FURTHER INFORMATION CONTACT:** Lindsey Novom, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5256.

### SUPPLEMENTARY INFORMATION:

#### Background

Subsequent to completion of the eighth administrative review of the antidumping duty order on fresh garlic from the PRC,<sup>4</sup> two respondents, Jinan Yipin and Shandong Heze, challenged certain aspects of the Department's final results of review at the CIT. On November 15, 2007, the CIT affirmed in part the *Garlic AR8 Final Results* and remanded other aspects of the decision to the Department.<sup>5</sup> On March 14, 2008, the Department issued its remand redetermination,<sup>6</sup> wherein we: (1) Treated sales by Jinan Yipin to Houston Seafood negotiated after March 29, 2002 as unaffiliated party transactions; (2) recalculated Jinan Yipin's weighted-average dumping margin by including all of its reported POR sales information (rather than applying the 376.67 percent rate to certain transactions); (3) recalculated Jinan Yipin's indirect selling expenses incurred in the United States; (4) continued to rely on data from the National Horticultural Research and Development Foundation ("NHRDF") to value Jinan Yipin and

<sup>3</sup> See *Fresh Garlic From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Reviews*, 69 FR 33626 (June 16, 2004) ("*Garlic AR8 Final Results*"), and accompanying Issues and Decision Memorandum ("Issues and Decision Memorandum").

<sup>4</sup> See *Garlic AR8 Final Results*.

<sup>5</sup> See *Jinan Yipin Corporation, Ltd. and Shandong Heze International Trade and Developing Company, v. United States* 526 F. Supp. 2d 1347 (CIT Nov. 15, 2007) ("*Jinan Yipin I 2007*").

<sup>6</sup> See *Jinan Yipin Corporation, Ltd. and Shandong Heze International Trade and Developing Company v. United States*, Consol. Court No. 04-00240, Slip Op. 07-168 (November 15, 2007) Final Results of Redetermination Pursuant to Court Remand, dated March 14, 2008 ("*Jinan Yipin I Redetermination*") available at: <http://www.ia.ita.doc.gov/remands/index.html>.