

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 New Shipper Review and Notice of Amended Final Results of New Shipper Review

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

SUMMARY: On June 11, 2012,¹ the United States Court of International Trade (CIT) sustained the Department of Commerce's (the Department) results of redetermination² pursuant to the CIT's *Hejia Remand Order* 2.³

Consistent with the decision of the United States Court of Appeals for the Federal Circuit (CAFC) in *Timken*,⁴ as clarified by *Diamond Sawblades*,⁵ the Department is notifying the public that the final judgment in this case is not in harmony with the Department's *Final Results*⁶ and is amending the final results of the new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) covering the period of review of November 1, 2007, through June 9, 2008, with respect to the margin assigned to Jinxiang Hejia Co., Ltd. (Hejia).

DATES: *Effective Date:* June 21, 2012.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-2316.

SUPPLEMENTARY INFORMATION:**Background**

Subsequent to completion of its new shipper review under the antidumping duty order on fresh garlic from the PRC, Hejia challenged certain aspects of the

¹ See *Jinxiang Hejia Co., Ltd. v. United States*, Slip-Op.12-80 (CIT 2012).

² See Department of Commerce Final Results of Redetermination Pursuant to Remand, CIT Court No. 09-00471 (December 9, 2011) (*Second Remand Results*).

³ See *Jinxiang Hejia Co. v. United States*, Slip Op. 11-112 (CIT 2011) (*Hejia Remand Order* 2).

⁴ See *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

⁵ See *Diamond Sawblades Mfrs. Coalition v. United States*, 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

⁶ See *Fresh Garlic from the People's Republic of China: Final Results and Final Rescission, In Part, of New Shipper Reviews*, 74 FR 50952 (October 2, 2009) (*Final Results*) and accompanying Issues and Decision Memorandum.

Department's *Final Results* at the CIT. On January 14, 2011 the Department filed its *First Remand Results*.⁷ On September 7, 2011, the CIT affirmed, in part, the *First Remand Results* and remanded the weighted-average methodology used by the Department to determine the surrogate value (SV) for the single-clove raw garlic input.⁸ On December 9, 2011, the Department issued its *Second Remand Results* under protest, wherein we removed a sales offer of Nepalese origin and thereafter used a simple average methodology to determine the SV for the single-clove raw garlic input. As a result, we calculated a revised weighted-average dumping margin of 0.00 percent for Hejia.

Timken Notice

In its decision in *Timken*, as clarified by *Diamond Sawblades*, the CAFC has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination and must suspend liquidation of entries pending a "conclusive" court decision.⁹ The CIT's June 11, 2012, judgment sustaining the *Second Remand Results* constitutes a final decision of that court that is not in harmony with the *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision.

Amended Final Results

Because there is now a final court decision with respect to Hejia, we are amending the *Final Results* with respect to the margin for Hejia. The revised dumping margin is as follows:

Exporter	Weighted-average margin (percent)
Jinxiang Hejia Co., Ltd	0.00

In the *Final Results*, Hejia was assigned a rate of 15.37 percent. Pursuant to court order, Hejia's revised margin for the period November 1, 2007, through June 9, 2008, is 0.00 percent. Accordingly, if the CIT's ruling is not

⁷ See Department of Commerce Final Results of Redetermination Pursuant to Court Order, CIT Court No. 09-00471 (January 14, 2011) (*First Remand Results*).

⁸ See *Hejia Remand Order* 2.

⁹ See *Timken*, 893 F.2d at 341.

appealed or, if appealed, upheld by the CAFC, the Department will instruct U.S. Customs and Border Protection to assess antidumping duties on entries of the subject merchandise exported by Hejia during the POR at 0.00 percent. Additionally, because Hejia has not been subject to an administrative proceeding since its November 1, 2007, through June 9, 2008 new shipper review, Hejia's cash deposit rate will be 0.00 percent, effective as of June 21, 2012 (*i.e.*, 10 days after the issuance of the CIT's ruling).

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: June 21, 2012.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2012-15902 Filed 6-27-12; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE**International Trade Administration****Meeting of the United States Travel and Tourism Advisory Board**

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

ACTION: Notice of an open meeting.

SUMMARY: This notice sets forth the schedule and agenda for an open meeting of the United States Travel and Tourism Advisory Board (Board). The agenda may change to accommodate Board business. The final agenda and address of the meeting will be posted at least one week in advance of the meeting on the Department of Commerce Web site for the Board at http://tineta.doc.gov/TTAB/TTAB_Home.html.

DATES: July 13, 2012; 8:30 a.m.–10:30 a.m. Eastern Daylight Time (EDT).

ADDRESSES: The meeting will be held in the Detroit, Michigan metropolitan area. The exact address of the meeting will be posted on the Department of Commerce Web site for the Board (http://tineta.doc.gov/TTAB/TTAB_Home.html) at least one week in advance of the meeting. If you wish to receive an email with the location of the meeting, please send an email with the subject "7/13 TTAB Meeting RSVP" to ocacie@trade.gov.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, the United States Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: 202-

482-4501, email: jennifer.pilat@trade.gov.

SUPPLEMENTARY INFORMATION:

Background: The Board was re-chartered in August 2011, to advise the Secretary of Commerce on matters relating to the U.S. travel and tourism industries.

Topics to be considered: During the meeting, the Board will discuss the subcommittee draft actions plans that outline the work each subcommittee intends to examine during this term. The Board has four subcommittees: Travel Facilitation; Infrastructure and Sustainability; Business Climate; and Advocacy. The Board will additionally focus on research and data issues within the travel and tourism industry. Other U.S. government representatives from the Departments of State, Interior and Transportation may also provide updates on their respective agencies' work relating to the U.S. travel and tourism industries and the Board will be provided an update on the work of the Task Force on Travel and Competitiveness (created by Executive Order 13597, *Establishing Visa and Foreign Visitor Processing Goals and the Task Force on Travel and Competitiveness*).

Public Participation: The meeting will be open to the public and will be physically accessible to people with disabilities. Although the venue is still being finalized, seating will be limited and available on a first come, first served basis. Because of building security and logistics, all attendees must pre-register no later than 5 p.m. Eastern Daylight Time (EDT) on Friday, July 6, 2012 with Jennifer Pilat, the United States Travel and Tourism Advisory Board, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, telephone 202-482-4501, ocacie@trade.gov. Please specify any requests for sign language interpretation, other auxiliary aids, or other reasonable accommodation no later than 5 p.m. EDT on July 6, 2012, to Jennifer Pilat at the contact information above. Last minute requests will be accepted, but may be impossible to fill.

No time will be available for oral comments from members of the public attending the meeting. Any member of the public may submit pertinent written comments concerning the Board's affairs at any time before or after the meeting. Comments may be submitted to Jennifer Pilat at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5 p.m. EDT on July 6, 2012, to ensure transmission to

the Board prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting. Copies of Board meeting minutes will be available within 90 days of the meeting.

Dated: June 25, 2012.

Jennifer Pilat,

Executive Secretary, United States Travel and Tourism Advisory Board.

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DEPARTMENT OF COMMERCE

International Trade Administration

Oil and Gas Trade Mission to Israel—Clarification and Amendment

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The United States Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service (CS) is publishing this amendment to the Notice of the Oil and Gas Trade Mission to Israel, 77 FR 21748, April 11, 2012, to amend the Notice to revise the Commercial Setting to include new information regarding the shale oil industry in Israel. The revised notice will include information on a shale oil project initiated by Israel Energy Initiatives (IEI), a subsidiary of publicly-traded U.S. company, Genie Energy Ltd.

SUPPLEMENTARY INFORMATION:

Amendments to Revise the Commercial Setting to include information on the shale oil project undertaken by Israel Energy Initiatives:

Background

The new information regarding the shale oil project undertaken by Israel Energy Initiatives, represents a significant export opportunity for U.S. manufacturers. The pilot test project due to begin in 2013 will require significant procurement, on the behalf of Israel Energy Initiatives. In order to ensure the mission statement is accurate and helpful to U.S. manufacturers, the Trade Mission Statement will be amended to include this information.

Amendments

1. For the reasons stated above, the Oil section of the Notice of the Oil and Gas Trade Mission to Israel, 77 FR 21748, April 11, 2012, is amended to read as follows:

Oil and Shale Oil

In March 2010, the U.S. Geological Survey reported that there is an estimated 1.7 billion barrels of recoverable oil in Israel.[6] Also, the World Energy Council estimates Israel's shale deposits could ultimately yield as many as 250 billion barrels of oil.[7] In March 2012, another offshore discovery was made by Modiin and Adira Energy northwest of Tel Aviv, with an estimated 128 million barrels of oil, as well as natural gas.[8] The Meged Field may also contain significant oil reserves. In June 2011, Israeli oil exploration company, Givot Olam, announced that its test production site, Meged 5, was producing 800 barrels a day. According to a report by the international consultancy Baker Hughes, Givot Olam will develop Meged 6 and Meged 7 and perform well stimulation for all its drillings; in the next stage the company will drill up to 40 wells throughout the Meged field.[9] In February 2012, MEWR approved continued production at Meged 5, and development of Meged 6-14 drillings.[10]

[6] "Delek Energy Provides Update on the Drilling at Leviathan 1 Well." Delek Group, 30 Aug. 2010. <http://irdelekgroup.com/phoenix.zhtml?c=160695&p=irol-newsArticle&ID=1464492&highlight=>.

[7] "Oil Shale Country Notes: Israel." World Energy Council for Sustainable Energy. http://www.worldenergy.org/publications/survey_of_energy_resources_2007/oil_shale/country_notes/2005.asp.

[8] "Oil and Gas Found at Gabriella, Yitzhak Licenses." Globes Israel Business News. 13 Mar. 2012. <http://www.globes.co.il/serveen/globes/docview.asp?did=1000732741>.

[9] Meged Field Reserves Classification. Rep. Baker Hughes, Mar. 2011. <http://www.givot.co.il/english/data/images/Media/GIVT0001%20Final%20Report%20rev3.pdf>.

[10] "Energy Ministry Approves Meged Field Development." Globes Israel Business News. 30 Jan. 2012. <http://www.globes.co.il/serveen/globes/docview.asp?did=1000720122>.

In July 2008, Israel's MEWR granted Israel Energy Initiatives (IEI), a subsidiary of the publicly-traded U.S. company Genie Energy Ltd, an exclusive license to explore for and produce shale oil in the Shfela basin region of Israel. IEI estimates that there are 40 billion barrels of oil equivalent in place within its 238 km² license area. The company plans to conduct a pilot test of its in-ground heating process in 2013-2014. Also, in May 2011, the Russian energy company Inter RAO announced that it had received a license to develop oil shale resources in the Negev desert. There may be opportunities for U.S. companies to