

deposit will be required; 2) for previously reviewed or investigated companies not participating in this review, 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, or the initial 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 12.61 percent, the all others rate made effective by the LTFV investigation. *See SSSSC Order*, 64 FR at 40557. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice also serves as a preliminary 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 double antidumping duties.

These preliminary results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: July 30, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-17935 Filed 8-4-04; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### The Ohio State University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated 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 p.m. in Room 2104, U.S. Department of Commerce, 14th and

Constitution Avenue, NW., Washington, DC.

**Docket Number:** 08-027. Applicant: The Ohio State University, Columbus, OH 43210. Instrument: Electron Microscope, Model Helios 600. Manufacturer: FEI Company/Phillips Electron Optics, The Netherlands. Intended Use: See notice at 73 FR 37408, July 1, 2008.

**Docket Number:** 08-029. Applicant: Vanderbilt University, Nashville, TN 37232-8725. Instrument: Electron Microscope, Model Tecna G2 F20 TWIN. Manufacturer: FEI Company, The Netherlands. Intended Use: See notice at 72 FR 37408, July 1, 2008.

**Docket Number:** 08-030. Applicant: University of Washington, Seattle, WA 98195. Instrument: Electron Microscope, Model Tecna G2 F20 S-TWIN. Manufacturer: FEI Company, The Netherlands. Intended Use: See notice at 72 FR 34708, July 1, 2008.

**Comments:** None received. **Decision:** Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. **Reasons:** Each foreign instrument is an electron microscope and is intended for research or scientific educational uses requiring an electron microscope. We know of no electron microscope, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Dated: July 25, 2008.

**Faye Robinson,**

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

[FR Doc. E8-17723 Filed 8-4-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-836]

#### Notice of Amended Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube From Mexico

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

**DATES:** *Effective Date:* August 5, 2008.

**FOR FURTHER INFORMATION CONTACT:** Patrick Edwards or Judy Lao, Import Administration, International Trade Administration, U.S. Department of Commerce (the Department), 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; *telephone:* (202) 482-8029 or (202) 482-7924, respectively.

#### Amendment to Final Determination

In accordance with sections 735(a) and 777(i)(1) of the Tariff Act of 1930, as amended, (the Act), on June 13, 2008, the Department made a final determination of sales at less than fair value (LTFV) in the investigation of light-walled rectangular pipe and tube from Mexico. The final determination was subsequently released to all parties in the proceeding, and published in the **Federal Register** on June 24, 2008. *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Mexico*, 73 FR 35649 (June 24, 2008) (Final Determination). On June 23, 2008, and pursuant to 19 CFR 351.224(c)(2), we received timely-filed allegations from respondents, Maquilacero S.A. de C.V. (Maquilacero) and Productos Laminados de Monterrey S.A. de C.V. (PROLAMSA), that the Department made ministerial errors with respect to its final dumping margin calculations for both companies. *See* Letter from Maquilacero S.A. de C.V. to the Department of Commerce, regarding "Ministerial Error Comments," dated June 23, 2008 (Maquilacero Ministerial Letter); *see also* Letter from Productos Laminados de Monterrey S.A. de C.V., regarding "Ministerial Error Comments," dated June 23, 2008 (PROLAMSA Ministerial Letter). On June 25, 2008, we received comments from petitioners regarding the ministerial errors alleged by PROLAMSA. *See* Letter from Petitioners to the Department, regarding the ministerial errors alleged by PROLAMSA, dated June 25, 2008.

After analyzing respondents' ministerial error comments, we have determined, in accordance with 19 CFR 351.224(e), that we made the following ministerial errors with respect to our final dumping margin calculations for Maquilacero and PROLAMSA.

#### Maquilacero

The Department has revised its margin calculation for Maquilacero with regard to certain expense adjustments. Specifically, the Department inadvertently did not adjust the comparison and U.S. market net prices for certain expenses reported in Maquilacero's sales databases, *i.e.*, maqhm06b and maqus06b.<sup>1</sup> *See*

<sup>1</sup> The Department verified these adjustments during its verification of Maquilacero's comparison and U.S. market sales. *See Verification of the Sales Responses of Maquilacero S.A. de C.V. in the Antidumping Investigation of Light-Walled*

Maquilacero Ministerial Letter. The Department has revised its calculation of both the comparison and U.S. market net prices to adjust for these expenses as intended. For a detailed discussion of the ministerial errors alleged by Maquilacero as well as the Department's analysis, *see* Memorandum from the Team to Richard O. Weible, entitled, "Ministerial Error Allegation in the Final Determination of the Antidumping Duty Investigation of Light-Walled Rectangular Pipe and Tube from Mexico: Maquilacero S.A. de C.V.," dated July 24, 2008. Correcting these errors results in a revised margin of 2.40 percent for Maquilacero as indicated in the "Amended Cash Deposits" section below.

#### PROLAMSA

The Department has revised its margin calculation for PROLAMSA, to correct for two errors. First, the Department inadvertently applied the incorrect scrap offset factor in calculating PROLAMSA's cost of direct materials in its final determination. Based on the Department's findings at verification, the Department recalculated PROLAMSA's variance factor to exclude the cost of direct materials for semi-finished products. *See* Memorandum from Gina K. Lee, Accountant, to the File, regarding "Verification of the Cost Response of Prolamsa (A-201-836)," dated April 15, 2008 (PROLAMSA Cost Verification Report) at 2, 19-20. However, the Department inadvertently applied the original scrap offset factor to calculate PROLAMSA's cost of direct materials net of scrap revenue (DMNET) for the final determination. *See* PROLAMSA

Ministerial Letter at 2. The Department is, therefore, revising its calculation of DMNET to reflect the revised scrap offset factor, as intended. Second, because the Department has revised PROLAMSA's total cost of manufacturing as described above, the Department is consequently revising the calculation of PROLAMSA's inventory carrying costs during the period of investigation because these costs are based upon PROLAMSA's cost of manufacturing.

PROLAMSA further alleged a ministerial error with regard to the Department's calculation of its total cost of manufacturing. *See* PROLAMSA Ministerial Letter at 3-4. Specifically, PROLAMSA alleges that the Department made a mathematical calculation error by applying the adjusted variance factor to its total cost of manufacturing which includes an amount for the B-10 adjustment.<sup>2</sup> After reviewing PROLAMSA's allegation, we have determined that the alleged error is methodological in nature and, therefore, does not constitute a ministerial error within the meaning of 19 CFR 351.224(f). For a detailed discussion of the ministerial errors alleged by PROLAMSA as well as the Department's analysis, *see* Memorandum from the Team to Richard O. Weible, entitled, "Ministerial Error Allegations in the Final Determination of the Antidumping Duty Investigation of Light-Walled Rectangular Pipe and Tube from Mexico: Productos Laminados de Monterrey S.A. de C.V.," dated July 24, 2008. Correcting the scrap offset factor and adjusting the calculation of PROLAMSA's inventory carrying costs to account for this correction, results in

a revised margin for PROLAMSA of 5.12 percent as indicated in the "Amended Cash Deposits" section below.

Therefore, in accordance with 19 CFR 35 1.224(e), we are amending the final determination of sales at LTFV in the antidumping duty investigation of light-walled rectangular pipe and tube from Mexico for Maquilacero and PROLAMSA.

#### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins and any margins determined entirely under section 776 of the Act. For this amended final determination, we have calculated amended margins for Maquilacero and PROLAMSA that are both above *de minimis*. Notwithstanding the language of section 705(c)(1)(B)(i)(I) of the Act, we have not calculated the all-others rate by weight averaging the rates of Maquilacero and PROLAMSA, because doing so risks disclosure of proprietary information.

Therefore, for purposes of determining the all-others rate, and pursuant to section 735(c)(5)(A) of the Act, we are using the simple-average rate of the amended dumping margins calculated for Maquilacero and PROLAMSA, i.e., 3.76 percent.

#### Amended Cash Deposits

The revised weighted-average dumping margins are as follows:<sup>3</sup>

Manufacturer/exporter	Final determination weighted average	Amended final weighted average margin percentage
Maquilacero S.A. de C.V. ....	2.94	2.40
Productos Laminados de Monterrey S.A. de C.V. ....	5.73	5.12
Arco Metal S.A. de C.V. ....	4.33	3.76
Hylsa S.A. de C.V. ....	4.33	3.76
Internacional de Aceros, S.A. de C.V. ....	4.33	3.76
Perfiles y Herrajes LM, S.A. de C.V. ....	4.33	3.76
Regiomontana de Perfiles y Tubos ....	4.33	3.76
Talleres Acero Rey S.A. de C.V. ....	4.33	3.76
Tuberia Laguna, S.A. de C.V. ....	4.33	3.76
All-Others ....	4.33	3.76

*Rectangular Pipe and Tube from Mexico*, dated April 11, 2008.

<sup>2</sup> In the *Final Determination*, the Department increased the total cost of manufacturing for each product by the percentage difference between the subject merchandise variance percentage recalculated by the Department and the variance percentage previously reported by PROLAMSA. *See* "Issues and Decision Memorandum for the Final Determination of the Antidumping Duty Investigation of Light-Walled Rectangular Pipe and

Tube from Mexico," from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, dated June 13, 2008. *See also* "Cost of Production and Constructed Value Calculation Adjustments for the Final Determination: Productos Laminados de Monterrey S.A. de C.V.," memorandum from Gina K. Lee to Neal M. Halper, dated June 13, 2008.

<sup>3</sup> The Department determined an adverse facts available (AFA) rate of 11.50 percent in the final

determination of sales at LTFV of this investigation for certain Mexican producers and/or exporters of LWR that were non-responsive to our requests for information. The Department based the AFA rate upon the highest estimated margin alleged in the petition. *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Mexico*, 73 FR 35649 (June 24, 2008). We note that the AFA rate of 11.50 percent continues to apply for these companies.

## Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of light-walled rectangular pipe and tube from Mexico. CBP shall require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as indicated in the chart above. These instructions suspending liquidation will remain in effect until further notice.

This amended determination is issued and published pursuant to section 735(e) of the Act.

Dated: July 24, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E8-17719 Filed 8-4-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

### Certain Preserved Mushrooms from the People's Republic of China: Final Results of the Antidumping Duty New Shipper Review

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

**SUMMARY:** On May 23, 2008, the Department of Commerce ("Department") published in the *Federal Register* the preliminary results of the new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC") for Dujiangyan Xingda Foodstuff Co., Ltd. ("Xingda"). See *Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review*, 73 FR 30054 (May 23, 2008) ("Preliminary Results"). We gave interested parties an opportunity to comment on the *Preliminary Results*, but we did not receive any comments. Therefore, we made no changes to the dumping margin calculations for these final results.

**EFFECTIVE DATE:** August 5, 2008.

**FOR FURTHER INFORMATION CONTACT:** Zev Primor at (202) 482-4114; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

## Case History

The *Preliminary Results* for this administrative review were published on May 23, 2008. In the *Preliminary Results*, the Department stated that interested parties were to submit case briefs within 30 days of publication of the preliminary results and rebuttal briefs within five days after the time limit for filing case briefs. No interested party submitted a case or rebuttal brief.

## Verification

The Department did not conduct verification in this new shipper review.

## Hearing

No party requested a hearing for this new shipper review.

## Period of Review

The period of review ("POR") covers February 1, 2007, through July 31, 2007.

## Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Certain Preserved Mushrooms" refers to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.<sup>1</sup>

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms" (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified," or

<sup>1</sup> On June 19, 2000, the Department affirmed that "marinated," "acidified," or "pickled" mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See Recommendation Memorandum—Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China," dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit. See *Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).

"pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the scope of this order is dispositive.

## Separate Rates

In proceedings involving non-market ("NME") countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

In the *Preliminary Results*, we found that Xingda demonstrated its eligibility for separate rate status. We received no comments from interested parties regarding Xingda's separate rate status. In these final results of review, we continue to find that the evidence placed on the record of this review by Xingda demonstrates an absence of government control, both in law and in fact, with respect to Xingda's exports of the merchandise under review. Thus, we have determined that Xingda is eligible to receive a separate rate.

## Analysis of Comments Received

No interested parties submitted comments for these final results.

## Changes Since the Preliminary Results

We made no changes to the Preliminary Results.

## Combination Rate

In new shipper reviews, the Department may, pursuant to 19 CFR 351.107(b), establish a combination cash deposit rate for each combination of the exporter and its supplying producer(s). See *Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review*, 67 FR 72139 at 72140 (December 4, 2002), *Notice of Final Results of Antidumping Duty New Shipper Review: Certain In-Shell Raw Pistachios from Iran*, 68 FR 353 at 354 (January 3, 2003), and *Certain Forged Stainless Steel*