

Dated: February 19, 2008.

**Jeffrey Anspacher,**

*Director, Export Trading Company Affairs.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-507-601]

#### **Certain In-shell Roasted Pistachios from the Islamic Republic of Iran: Final Results of Countervailing Duty New Shipper Review**

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

**SUMMARY:** On November 28, 2007, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results in the countervailing duty (CVD) new shipper review of certain in-shell roasted pistachios from Iran. *See Certain In-shell Roasted Pistachios from the Islamic Republic of Iran: Preliminary Results of Countervailing Duty New Shipper Review*, 72 FR 67276 (Preliminary Results). The Department has now completed this new shipper review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Act).

Based on our analysis of the comments received, the Department has not revised the net subsidy rate for Ahmadi's Agricultural Productions, Processing and Trade Complex (Ahmadi), the respondent company in this proceeding. The final net subsidy rate for the reviewed company is listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** February 25, 2008.

#### **FOR FURTHER INFORMATION CONTACT:**

Christopher Hargett, AD/CVD Operations, Office 3, Import Administration, U.S. Department of Commerce, Room 4225, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4161.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On November 28, 2007, the Department published in the **Federal Register** its *Preliminary Results*. We invited interested parties to comment on these results. Since the preliminary results, the following events have occurred:

On December 28, 2007, we received case briefs from petitioners.<sup>1</sup> In response to a request from the Department, CalPure submitted a revised case brief on January 15, 2008. A hearing was held in response to a request from CalPure on January 17, 2008.

In accordance with 19 CFR 351.214(b), this new shipper review covers only those producers or exporters for which a review was specifically requested. Accordingly, this new shipper review covers Ahmadi and ten programs for the period of review January 1, 2006, through December 31, 2006.

##### **Scope of the Order**

The product covered by this order is all roasted in-shell pistachio nuts, whether roasted in Iran or elsewhere, from which the hull has been removed, leaving the inner hard shells and the edible meat, as currently classifiable in the HTSUS under item number 0802.50.20.00. The written description of the scope of this proceeding is dispositive.

##### **Analysis of Comments Received**

For a discussion of the programs and the issues raised in the briefs by parties to this review, *see* the "Issues and Decision Memorandum" from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, concerning the "Final Results of Countervailing Duty New Shipper Review: Certain In-shell Roasted Pistachios from the Islamic Republic of Iran" (Decision Memorandum), dated February 19, 2008, which is hereby adopted by this notice. A listing of the issues which parties raised and to which we have responded, which are in the Decision Memorandum, is attached to this notice as Appendix I. Parties can find a complete discussion of the issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit (CRU), room 1117 of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the Decision Memorandum are identical in content.

##### **Final Results of Review**

In accordance with section 777A(e)(1) of the Act, 19 CFR 351.221(b)(5), and 19

<sup>1</sup> Petitioners include the Western Pistachio Association (WPA) and its members and a domestic interested party, Cal Pure Pistachios, Inc. (Cal Pure).

CFR 351.214(i), we calculated an ad valorem subsidy rate for Ahmadi for calendar year 2006.

Producer/Exporter	Net Subsidy Rate
Ahmadi's Agricultural Productions, Processing and Trade Complex (Ahmadi) .....	0.00 percent <i>ad valorem</i>

The Department intends to issue assessment instructions to U.S. Customs and Border Protection (CBP) 15 days after the date of publication of the final results of this new shipper review to liquidate shipments of subject merchandise by Ahmadi entered, or withdrawn from warehouse, for consumption on or after January 1, 2006, through December 31, 2006, without regard to countervailing duties because a zero percent subsidy rate was calculated.

The following cash deposit requirements will be effective upon publication of the final results of this new shipper review for all shipments of subject merchandise from Ahmadi entered or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise produced and exported by Ahmadi, the cash deposit rate will be zero; (2) for subject merchandise produced by Ahmadi but not exported by Ahmadi, the cash deposit rate will continue to be the all-others rate (*i.e.*, 317.89 percent *ad valorem*); and (3) for subject merchandise exported by Ahmadi but not produced by Ahmadi, the cash deposit rate will continue to be the all-others rate (*i.e.*, 317.89 percent *ad valorem*). The cash deposit rate for all other producers and/or exporters is not effected by these final results.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written 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 administrative review and notice are issued and published in accordance with sections 751(a)(2)(C), 751(a)(3) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: February 19, 2008.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

## **Appendix I – Issues and Decision Memorandum**

### **I. Analysis Of Programs**

#### **A. Programs Determined to Be Not Used**

1. *Provision of Fertilizer and Machinery*
2. *Provision of Credit*
3. *Tax Exemptions*
4. *Provision of Water and Irrigation Equipment*
5. *Technical Support*
6. *Duty Refunds on Imported Raw or Intermediate Materials Used in the Production of Export Goods*
7. *Program to Improve Quality of Exports of Dried Fruit*
8. *Iranian Export Guarantee Fund*
9. *GOI Grants and Loans to Pistachio Farmers*
10. *Crop Insurance for Pistachios*

### **II. Total Ad Valorem Rate**

### **III. Analysis Of Comments**

*Comment 1: Whether Ahmadi's Sale of Subject Merchandise Constitutes a Bona Fide Sale*

*Comment 2: Whether the Department Should Assign an Adverse Facts Available Net Subsidy Rate to Ahmadi Because of the GOI's Failure to Cooperate with the Department By Providing Incomplete Questionnaire Responses*

*Comment 3: Whether the Department Should Assign an Adverse Facts Available Net Subsidy Rate to Ahmadi on the Grounds That it Failed to Respond to the Department's Questionnaires to the Best of its Ability*  
*Comment 4: Whether the All-Others Rate Stated in the Preliminary Results Is Inaccurate and Should Be Corrected*  
 [FR Doc. E8-3511 Filed 2-22-08; 8:45 am]

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## **DEPARTMENT OF COMMERCE**

### **International Trade Administration (C-570-931)**

### **Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Notice of Initiation of Countervailing Duty Investigation**

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

**EFFECTIVE DATE:** February 25, 2008.

### **FOR FURTHER INFORMATION CONTACT:**

Darla Brown or Eric Greynolds, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-2849 and (202) 482-6071, respectively.

### **SUPPLEMENTARY INFORMATION:**

#### **The Petition**

On January 30, 2008, the Department of Commerce (the "Department") received a petition filed in proper form by Bristol Metals, L.P., Felker Brothers Corp., Marcegaglia USA Inc., Outokumpu Stainless Pipe, Inc., and the United Steel Workers of America (the "petitioners"), domestic producers of circular welded austenitic stainless pressure pipe ("CWASPP" or "subject merchandise"). In response to the Department's request, the petitioners provided timely information supplementing the petition on February 5, February 11, and February 14, 2008.

In accordance with Section 702(b)(1) of the Tariff Act of 1930, as amended ("the Act"), the petitioners allege that manufacturers, producers, or exporters of CWASPP in the People's Republic of China ("PRC") receive countervailable subsidies within the meaning of Section 701 of the Act and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that the petitioners filed the petition on behalf of the domestic industry because they are interested parties as defined in Section 771(9)(C) of the Act and the petitioners have demonstrated sufficient industry support with respect to the countervailing duty investigation (*see* "Determination of Industry Support for the Petition" section below).

#### **Period of Investigation**

The period of investigation ("POI") is January 1, 2007, through December 31, 2007.

#### **Scope of the Investigation**

The merchandise covered by this investigation is circular welded austenitic stainless pressure pipe ("CWASPP") not greater than 14 inches in outside diameter. This merchandise includes, but is not limited to, the American Society for Testing and Materials (ASTM) A-312 or ASTM A-778 specifications, or comparable domestic or foreign specifications. ASTM A-358 products are only included when they are produced to meet ASTM A-312 or ASTM A-778

specifications, or comparable domestic or foreign specifications.

Excluded from the scope are: (1) Welded stainless mechanical tubing, meeting ASTM A-554 or comparable domestic or foreign specifications; (2) boiler, heat exchanger, superheater, refining furnace, feedwater heater, and condenser tubing, meeting ASTM A-249, ASTM A-688 or comparable domestic or foreign specifications; and (3) specialized tubing, meeting ASTM A-269, ASTM A-270 or comparable domestic or foreign specifications.

The subject imports are normally classified in subheadings 7306.40.5005, 7306.40.5040, 7306.40.5062, 7306.40.5064, and 7306.40.5085 of the Harmonized Tariff Schedule of the United States ("HTSUS"). They may also enter under HTSUS subheadings 7306.40.1010, 7306.40.1015, 7306.40.5042, 7306.40.5044, 7306.40.5080, and 7306.40.5090. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope is dispositive.

#### **Comments on Scope of Investigation**

During our review of the petition, we discussed the scope with the petitioners to ensure that it is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the regulations, we are setting aside a period for interested parties to raise issues regarding product coverage. *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27323 (May 19, 1997). The Department encourages all interested parties to submit such comments within 20 calendar days of the publication of this notice. Comments should be addressed to Import Administration's Central Records Unit ("CRU"), Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230. The period of scope consultations is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination.

#### **Consultations**

Pursuant to Section 702(b)(4)(A)(ii) of the Act, the Department invited representatives of the Government of the PRC for consultations with respect to the countervailing duty petition. The Department held these consultations in Beijing, China, with representatives of the Government of the PRC on February 15, 2008. *See* the February 15, 2008, Memorandum to The File, entitled,