

Manufacturers/exporters/producers	Weighted-average margin (percent)
Sinochem Jiangsu Wuxi Import & Export Corporation (Wuxi)	32.22
Shanghai Ai Jian Import & Export Corporation (Shanghai AJ) .....	34.41
Guangdong Petroleum Chemical Import and Export Trade (Guangdong Petroleum) .....	34.97
PRC-wide .....	119.02

This notice also serves as the only 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 section 351.305 of the Department's regulations. Timely notification of the return or 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 the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: February 28, 2008.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E8-4243 Filed 3-4-08; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-813]

#### Certain Preserved Mushrooms from India: Notice of Amended Final Results Pursuant to Final Court Decision

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

**SUMMARY:** On November 20, 2007, the Court of Appeals for the Federal Circuit (CAFC) reversed the decision of the Court of International Trade (CIT) which upheld the Department of Commerce's (the Department) determination in the 2002-2003 administrative review of certain preserved mushrooms from India to conduct a duty absorption inquiry under section 751(a)(4) of the Tariff Act of 1930, as amended (the Act), when the producer/exporter acts as its own importer of record. *See Agro Dutch Industries Ltd. v. United States*, Slip Op. 2007-1011 (Fed. Cir. November 20, 2007) (CAFC Decision). Pursuant to the CAFC's decision and mandate, on

January 24, 2008, the CIT entered final judgment and ordered the Department to annul all duty absorption findings with respect to Agro Dutch Industries, Ltd. (Agro Dutch). As there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2002-2003 administrative review of certain preserved mushrooms from India.

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

#### FOR FURTHER INFORMATION CONTACT:

David Goldberger or Katherine Johnson, 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) 482-4136 or (202) 482-4929, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 20, 2004, the Department published its final results of administrative review, covering the period of review from February 1, 2002, through January 31, 2003. *See Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review*, 69 FR 51630, 51631 (August 20, 2004) (Final Results), and accompanying Issues and Decision Memorandum at Comment 5. In the Final Results, the Department determined that antidumping duties had been absorbed by the respondents in the review, including Agro Dutch, on those sales for which the respondent was the importer of record, in accordance with section 751(a)(4) of the Act. In October 2004, Agro Dutch contested the Department's duty absorption finding, along with several other findings made in the Final Results, before the CIT. The CIT issued its decision, affirming the Department's finding of duty absorption, in March 2006. *See Agro Dutch Industries, Ltd. v. United States*, Slip Op. 2006-40 (CIT March 28, 2006).

Agro Dutch appealed that decision to the CAFC. On November 20, 2007, the CAFC reversed the CIT's decision on the duty absorption issue. The CAFC held that the Department was not empowered to conduct a duty absorption inquiry under section 751(a)(4) of the Act with respect to the sales made by Agro Dutch on which it acted as the importer of record because such sales were not made by Agro Dutch through an importer with whom it is affiliated. The CAFC held that because the term "affiliated" is defined in the statute, the reference in section 751(a)(4) of the Act that subject merchandise be sold "through an importer who is affiliated" with the producer/exporter is

unambiguous -- *i.e.*, the statutory definition of "affiliated persons" requires the presence of two or more entities and, therefore, Agro Dutch cannot be "affiliated" with itself. Pursuant to the CAFC's decision and mandate, on January 24, 2008, the CIT entered final judgment and ordered the Department to annul all duty absorption findings and conclusions with respect to Agro Dutch in the Final Results.

Because there is now a final and conclusive court decision in this case, the Department is amending the final results of the 2002-2003 administrative review.

#### Amended Final Results of Review

We are amending the final results of the 2002-2003 administrative review on the antidumping duty order on certain preserved mushrooms from India to annul our duty absorption finding and conclusion with respect to Agro Dutch. Specifically, we annul our finding that Agro Dutch absorbed antidumping duties during the period of review on those sales for which it was the importer of record. This amendment does not affect the weighted-average margin calculated for Agro Dutch for the period of review.

#### Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries for this review. We intend to issue the assessment instructions to CBP 15 days after the date of publication of these amended final results of review.

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

Dated: February 28, 2008.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E8-4239 Filed 3-4-08; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-449-804]

#### Steel Concrete Reinforcing Bars from Latvia: Rescission of Antidumping Duty Administrative Review

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

**EFFECTIVE DATE:** March 5, 2008

**FOR FURTHER INFORMATION CONTACT:** David Layton at (202) 482-0371; AD/

CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14<sup>th</sup> Street & Constitution Avenue, NW, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On September 4, 2007, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order of steel concrete reinforcing bars (rebar) from Latvia for the period of review covering September 1, 2006, through August 31, 2007 (the POR). *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 72 FR 50657 (September 4, 2007). On September 28, 2007, in accordance with 19 CFR 351.213(b)(1), the Rebar Trade Action Coalition and its individual members (RTAC)<sup>1</sup> requested an administrative review of Joint Stock Company Liepajas Metalurgs (LM).

The Department published the notice of initiation of the administrative review of the antidumping duty order on rebar from Latvia on October 31, 2007. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 72 FR 61621 (October 31, 2007). On November 30, 2007, LM submitted a letter to the Department in which it certified that it made no sales or exports of subject merchandise to the United States during the POR.

On January 9, 2008, the Department issued a "No Shipment Inquiry" to U.S. Customs and Border Protection (CBP) to confirm that there were no shipments or entries of rebar from Latvia exported by LM during the POR of the instant administrative review. On January 24, 2008, the Department confirmed, based on a review of CBP data and the results of its CBP inquiry, that there were no entries of subject merchandise exported or shipped by LM during the POR. Based on our findings, we notified parties of our intent to rescind and gave them an opportunity to comment. *See* the Memorandum to The File from David Layton entitled, "Department Intent to Rescind Review," dated January 24, 2008 (*Intent to Rescind Memo*). No party commented on our *Intent to Rescind Memo*. In accordance with 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or with respect to a particular exporter or

producer, if the Department concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. Consequently, in accordance with 19 CFR 351.213(d)(3) and consistent with our practice, we are rescinding our review with respect to LM. *See, e.g., Certain Steel Concrete Reinforcing Bars from Turkey; Final Results and Rescission of Antidumping Duty Administrative Review in Part*, 71 FR 65082, 65083 (November 7, 2006).

Although the respondent does not have any sales or exports of subject merchandise to the United States during the POR, its subject merchandise may have entered the United States during the POR under its CBP antidumping case number by way of intermediaries (without its knowledge). Fifteen days after the publication of this notice, the Department will instruct CBP to liquidate such entries at the all-others rate in effect on the date of the entry. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

This notice serves as a reminder to parties subject to administrative protective orders of their responsibility concerning the return or destruction of proprietary information disclosed under the administrative protective order (APO) in accordance with 19 CFR 351.305(a)(3). 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 sanctionable violation.

This notice is published in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: February 25, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. E8-4249 Filed 3-4-08; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

RIN 0648-XB90

#### Availability of a Draft Environmental Assessment/Habitat Conservation Plan, and Receipt of Applications for Incidental Take Permits from the Broughton Land Company, Columbia County, Washington

**AGENCIES:** U.S. Fish and Wildlife Service (FWS), Interior; National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice of Availability.

**SUMMARY:** The FWS and the NMFS (collectively, the Services) announce the availability for public review of a combined draft Environmental Assessment/Habitat Conservation Plan (EA/HCP) pertaining to an application by the Broughton Land Company (BLC) for incidental take permits (ITPs) pursuant to the Endangered Species Act of 1973, as amended (ESA). The draft EA/HCP addresses the proposed issuance of ITPs by the Services to the BLC for land management activities in Columbia County, Washington, that are identified in the HCP portion of the draft document. The proposed ITPs would authorize take, incidental to otherwise lawful activities, of the following threatened fish species: the bull trout (*Salvelinus confluentus*); Snake River spring/summer Chinook salmon and the Snake River fall Chinook salmon (both *Oncorhynchus tshawytscha*); and the middle Columbia River steelhead trout and the Snake River steelhead trout (both *O. mykiss*).

We request comments from the public on the permit applications and the draft EA/HCP, all of which are available for review. The EA/HCP describes the proposed action and the measures that the BLC will implement to minimize and mitigate take of the threatened fish species discussed above. To review the documents, see "Availability of Documents" in the **SUPPLEMENTARY INFORMATION** section below.

**DATES:** All comments must be received on or before April 4, 2008.

**ADDRESSES:** Please address written comments to the FWS Field Supervisor, Upper Columbia Fish and Wildlife Office, 11103 East Montgomery Drive, Spokane, WA 99206. You may also send

<sup>1</sup> RTAC is the petitioner in this proceeding. Its individual members include Nucor Corporation, Gerdau Ameristeel Corporation, and Commercial Metals Company.