

expenses incurred in the United States of \$500,000 or more. Foreign air carriers with total covered revenues and total covered expenses below \$500,000 are exempt from reporting.

Affected Public: U.S. agents of foreign air carriers.

Frequency: Annually.

Respondent's Obligation: Mandatory.

Legal Authority: The International Investment and Trade in Services Survey Act, 22 U.S.C. 3101-3108.

OMB Desk Officer: Paul Bugg, (202) 395-3093.

Copies of the above extension of a currently approved collection can be obtained by calling or writing Diane Hynek, DOC Forms Clearance Officer, (202) 482-0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations in response to this extension of a currently approved collection should be sent within 30 days of publication of this notice to Paul Bugg, OMB Desk Officer, Room 10201, New Executive Office Building, Washington, DC 20503; fax: 202-395-7245; e-mail: pbugg@omb.eop.gov.

Dated: December 22, 2003.

Madeleine Clayton,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 03-32000 Filed 12-29-03; 8:45 am]

BILLING CODE 3510-06-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: Report of New Privately-Owned Residential Building or Zoning Permits Issued (Building Permits Survey).

Form Number(s): C-404.

Agency Approval Number: 0607-0094.

Type of Request: Extension of a currently approved collection.

Burden: 24,166 hours.

Number of Respondents: 19,000.

Avg Hours Per Response: 10 and a half minutes.

Needs and Uses: The U.S. Census Bureau is requesting an extension of a currently approved collection of the Form C-404, "Report of Privately-Owned Residential Building or Zoning Permits Issued" otherwise known as the

Building Permits Survey (BPS.) The Census Bureau uses the Form C-404 to collect data that will provide estimates of the number and valuation of new residential housing units authorized by building permits. About one half of the permit offices are requested to report monthly. The remainder are only surveyed once per year. We use the data, a component of the index of leading economic indicators, to estimate the number of housing units started, completed, and sold, if single-family. The Census Bureau also uses these data to select samples for its demographic surveys. Policymakers, planners, businessmen/women, and others use the detailed geographic data collected from state and local officials on new residential construction authorized by building permits to monitor growth and plan for local services, and to develop production and marketing plans. The BPS is the only source of statistics on residential construction for states and smaller geographic areas.

Affected Public: State, local, or tribal government.

Frequency: Monthly or annually.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Section 182.

OMB Desk Officer: Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482-0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at dhynek@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Susan Schechter, OMB Desk Officer either by fax (202-395-7245) or e-mail (susan_schechter@omb.eop.gov).

Dated: December 22, 2003.

Madeleine Clayton,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 03-32002 Filed 12-29-03; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-853]

Bulk Aspirin From the People's Republic of China: Notice of Amended Final Determination and Amended Order Pursuant to Final Court Decision

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

ACTION: Notice of amended final determination and amended order pursuant to final court decision on Bulk Aspirin from the People's Republic of China.

SUMMARY: On September 9, 2002, the Court of International Trade ("CIT" or "the Court") affirmed the Department's remand determination and entered a judgment order in *Rhodia, Inc. v. United States*, 240 F. Supp. 2d 1247 (CIT 2002) ("*Rhodia II*"), a lawsuit challenging certain aspects of the Department of Commerce's ("the Department") *Notice of Final Determination of Sales at Less Than Fair Value: Bulk Aspirin From the People's Republic of China*, 65 FR 33805 (May 25, 2000) and accompanying Issues and Decision Memorandum (May 17, 2000) ("*Issues and Decision Memorandum*"), and *Notice of Amended Final Determination of Sales at Less Than Fair Value: Bulk Aspirin from the People's Republic of China*, 65 FR 39598 (June 27, 2000) (collectively, "*Final Determination*"). On October 14, 2003, the CIT's opinion upholding the Department's final remand was affirmed without opinion by the U.S. Court of Appeals for the Federal Circuit ("Federal Circuit"). See *Rhodia II*, 240 F. Supp. 2d 1247 (CIT 2002) *aff'd mem.* Ct. No. 03-1097 (October 14, 2003); 2003 U.S. App. LEXIS 21424.

In its remand determination, the Department reviewed the record evidence regarding the extent to which the Indian surrogate producers are integrated and concluded that the evidence did not support the *Final Determination* in this regard. We also reconsidered our use of weighted-average ratios for overhead, SG&A, and profit, and amended our calculations using simple averages. Finally, in accordance with our voluntary request for remand, we removed "trade sales" (or "traded goods") from the denominator in calculating the overhead ratio.

As a result of the remand determination, Jilin Pharmaceutical ("Jilin") will be excluded from the antidumping duty order on bulk aspirin from the People's Republic of China

("PRC") because its antidumping rate was *de minimis* (1.27 percent).¹ The antidumping duty rate for Shandong Xinhua Pharmaceutical Factory, Ltd. ("Shandong") was decreased from 16.51 to 6.42 percent. The PRC-wide rate was unchanged from the *Final Determination*. As there is now a final and conclusive court decision in this action, we are amending our *Final Determination*.

EFFECTIVE DATE: December 30, 2003.

FOR FURTHER INFORMATION CONTACT: Blanche Ziv or Julie Santoboni, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4207, or (202) 482-4194, respectively.

SUPPLEMENTARY INFORMATION:

Background

Following publication of the *Final Determination*, Rhodia, Inc., the petitioner in this case, and the respondents, Jilin and Shandong, filed a lawsuit with the CIT challenging the Department's *Final Determination*. Rhodia challenged the Department's use of import data rather than domestic data as a surrogate value for the aspirin input, phenol. Rhodia also challenged the Department's normal value calculation for the respondent Shandong because the Department excluded purchased salicylic acid where it had determined this input was not used in the production of bulk aspirin for export. Jilin and Shandong challenged the Department's application of the factory overhead ratio and the Department's use of a weighted average to calculate surrogate factory overhead, selling general and administrative expenses, and profit ratios. Also, the respondents challenged, and the Department voluntarily requested remand on, the issue of including traded goods in the denominator of the factory overhead ratio.

On November 30, 2001, the CIT affirmed the Department's *Final Determination* with respect to the use of import price to value the input phenol and the calculation of Shandong's normal value excluding purchased salicylic acid. See *Rhodia, Inc. v. United States*, 185 F. Supp. 2d 1343 (CIT 2001)

¹ In accordance with the Department's changed circumstances review (see *Bulk Aspirin from the People's Republic of China: Final Results of Changed Circumstances Review*, 67 FR 65537 (October 25, 2002)), Jilin Henghe Pharmaceutical Co. is the successor-in-interest to Jilin Pharmaceutical Co., and as such Jilin Henghe Pharmaceutical Co. will be excluded from the antidumping duty order on bulk aspirin from the PRC.

("Rhodia I"). The Court remanded the above-referenced proceeding to the Department for reconsideration of the overhead calculation methodology applied in the *Final Determination*. In the underlying investigation, the Department was required to develop values for factory overhead, SG&A, and profit relying on "surrogate" data from Indian producers of comparable merchandise. See section 773(c) of the Act. Regarding factory overhead, the Department used information from three Indian producers: Andhra Sugars, Alta Laboratories, and Gujarat Organics, Ltd. In the *Final Determination*, the Department found that the PRC producers of bulk aspirin were more fully integrated than the Indian producers. Therefore, the Department reasoned, the PRC producers would have a higher overhead-to-raw material ratio than the surrogate Indian producers. To account for this in computing normal value, the Department applied the overhead ratio calculated from the Indian producers' data twice, once to reflect the overhead incurred in producing the inputs for aspirin, and again to reflect the overhead incurred in producing aspirin from those inputs.

The Court pointed to the lack of evidence or explanation regarding the Department's position that integrated producers would experience higher overhead ratios than non-integrated producers. Additionally, the Court questioned the Department's conclusion that the Indian producers were less integrated than the PRC producers. Specifically, the Court found that the Department could not reasonably infer this from the evidence cited in the *Issues and Decision Memorandum*. Therefore, the Court remanded this issue to the Department and asked the agency to identify the facts in the record that support its *Final Determination*. *Rhodia I*, 185 F. Supp. 2d at 1348-1349 (CIT 2001).

The second issue remanded to the Department related to the calculation of the ratios for overhead, SG&A, and profit. In the *Final Determination*, the Department computed a weighted average of the overhead, SG&A, and profit of the three Indian surrogate producers. However, citing to the agency's usual practice of using simple averages in these situations, the Court ruled that the Department had provided no explanation for departing from this practice. Thus, the Court directed the Department to explain its reasoning for computing weighted averages in this case. *Rhodia I*, 185 F. Supp. 2d at 1349-1351 (CIT 2001).

Finally, the Department sought, and the Court granted, a voluntary remand to correct the calculation of the overhead ratio by removing traded goods from the denominator. *Rhodia I*, 185 F. Supp. 2d at 1357 (CIT 2001).

To assist it in complying with the Court's instructions, the Department asked the parties to identify information on the record of the proceeding regarding the extent of integration of Indian producers of comparable merchandise. See the December 13, 2001, letter to Rhodia, Inc., Jilin and Shandong. Responses were received from the three parties on January 15, 2002, and rebuttals were received on January 22, 2002.

The *Draft Redetermination Pursuant to Court Remand* ("*Draft Results*") was released to the parties on February 4, 2002. In its *Draft Results*, the Department reviewed the record evidence regarding the extent to which the Indian surrogate producers are integrated and concluded that the evidence did not support the *Final Determination* in this regard. We also reconsidered our use of weighted-average ratios for overhead, SG&A, and profit, and amended our calculations using simple averages. Finally, in accordance with our voluntary request for remand, we removed "trade sales" (or "traded goods") from the denominator in calculating the overhead ratio.

Comments on the *Draft Results* were received from Rhodia, Inc. and Shandong on February 11, 2002, and rebuttal comments were received from the petitioner and Jilin on February 14, 2002. On March 29, 2002, the Department responded to the Court's Order of Remand by filing its Final Results of Redetermination pursuant to the Court remand ("*Final Results of Redetermination*"). The Department's *Final Results of Redetermination* were identical to the *Draft Results*.

The CIT affirmed the Department's *Final Results of Redetermination* on September 9, 2002. See *Rhodia II*, 240 F. Supp. 2d 1247 (CIT 2002). On October 14, 2003, the CIT's decision was affirmed by the Federal Circuit. *Rhodia II*, 240 F. Supp. 2d 1247 (CIT 2002) *aff'd mem.* Ct. No. 03-1097 (October 14, 2003); 2003 U.S. App. LEXIS 21424. We have recalculated the dumping margin for the respondents based upon the changes set forth above.

Amendment to the Final Determination

Because there is now a final and conclusive decision in the court proceeding, effective as of the publication date of this notice, we are amending the *Final Determination* and

establishing the following revised weighted-average dumping margins:

Company	Amended final determination 10/01/98–03/31/99
Jilin Henghe Pharmaceutical Co. Shandong Xinhua Pharmaceutical Co., Ltd.	1.27 percent (<i>de minimis</i>). 6.42 percent.

The “PRC-wide Rate” was not affected by the *Final Results of Redetermination* and remains at 144.02 percent as determined in the LTFV *Final Determination*.

The Department will issue appraisal instructions directly to U.S. Customs and Border Protection (“CBP”). The Department will instruct CBP to liquidate entries from Jilin, without regard to antidumping duties, because Jilin is excluded from the antidumping duty order, effective September 30, 2002, the date on which the Department published a notice of the Court decision (*see Bulk Aspirin from the People’s Republic of China: Notice of Court Decision and Suspension of Liquidation*, 67 FR 61315 (September 30, 2002)).

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

Dated: December 19, 2003.

James J. Jochum,

Assistant Secretary for Import Administration.

[FR Doc. 03–32071 Filed 12–29–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

(A-570–831)

Fresh Garlic from the People’s Republic of China: Final Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd.

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

ACTION: Notice of Final Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd.

SUMMARY: On September 26, 2003, the Department of Commerce published the preliminary results of the new shipper review of the antidumping duty order on fresh garlic from the People’s Republic of China. The period of review is November 1, 2001, through October 31, 2002. The new shipper review

initially covered three producers/exporters of subject merchandise. The Department issued a separate notice of preliminary results of the new shipper review for Xiangcheng Yisheng Foodstuffs Co., Ltd. (“Yisheng”). Accordingly, this notice pertains solely to the final results of review for Yisheng. The notice of final results of the review applicable to the other two producers/exporters is due April 8, 2004.

We invited interested parties to comment on our preliminary results. Based on our analysis of the comments received, we have made no changes to our preliminary determination that, based on the use of adverse facts available, the respondent sold subject merchandise to the United States at prices below normal value. The final dumping margin for Yisheng is listed in the “Final Results of Review” section below.

EFFECTIVE DATE: December 30, 2003.

FOR FURTHER INFORMATION CONTACT: Jeffrey Frank or Minoo Hatten, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 4203, Washington, DC 20230; telephone (202) 482–0090 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by this antidumping duty order are all grades of garlic, whole or separated into constituent cloves, whether or not peeled, fresh, chilled, frozen, provisionally preserved, or packed in water or other neutral substance, but not prepared or preserved by the addition of other ingredients or heat processing. The differences between grades are based on color, size, sheathing, and level of decay.

The scope of this order does not include the following: (a) garlic that has been mechanically harvested and that is primarily, but not exclusively, destined for non-fresh use; or (b) garlic that has been specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed.

The subject merchandise is used principally as a food product and for seasoning. The subject garlic is currently classifiable under subheadings 0703.20.0010, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9700 of the *Harmonized Tariff Schedule of the United States* (“HTSUS”). Although the HTSUS subheadings are provided for

convenience and customs purposes, our written description of the scope of this order is dispositive. In order to be excluded from the antidumping duty order, garlic entered under the HTSUS subheadings listed above that is (1) mechanically harvested and primarily, but not exclusively, destined for non-fresh use or (2) specially prepared and cultivated prior to planting and then harvested and otherwise prepared for use as seed must be accompanied by declarations to U.S. Customs and Border Protection (“Customs”) to that effect.

Background

The Department of Commerce (“Department”) is conducting this review of Yisheng in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (“the Act”). On September 26, 2003, the Department published the preliminary results of the new shipper review of the antidumping duty order on fresh garlic from the People’s Republic of China with respect to Yisheng. See *Fresh Garlic from the People’s Republic of China: Preliminary Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd.*, 68 FR 55583 (“*Preliminary Results*”). We invited parties to comment on that *Preliminary Results*. We received comments from Yisheng and rebuttal comments from the petitioners, the Fresh Garlic Producers Association¹ and its individual members. On November 5, 2003, we held a hearing during which the parties presented their comments.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to the new shipper review are addressed in the “Issues and Decision Memorandum for Final Results of the New Shipper Review of the Antidumping Duty Order of Fresh Garlic from the People’s Republic of China” from Jeff May to James J. Jochum (December 22, 2003) (“Decision Memo”), which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the Decision Memo is attached to this notice as an Appendix. The Decision Memo is a public document and is on file in the Central Records Unit, Main Commerce Building, Room B-099, and is accessible on the Web at www.ia.ita.doc.gov.

Separate Rates

In the *Preliminary Results*, the Department established that Yisheng is

¹ The members of the Fresh Garlic Producers Association are Christopher Ranch LLC, Farm Gate LLC, The Garlic Company, Spice World, Inc., and Vessey and Company, Inc.