

that have separate rate, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) the cash deposit rate for all other PRC exporters will be 124.5 percent, the current PRC-wide rate; and (4) the cash deposit rate for all non-PRC exporters will be the rate applicable to the PRC exporter that supplied that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification of Interested Parties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: September 6, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

#### Appendix 1—Issues in the Decision Memorandum

##### Shenzhen CSG's Comments

Comment 1: Currency Used to Value Certain Unreported Sales of CSG

Comment 2: Treatment of the By-Product Offset in Normal Value

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### Fresh Garlic From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review

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

**ACTION:** Rescission of antidumping duty new shipper review.

**SUMMARY:** On June 30, 2005, the Department of Commerce ("the Department") initiated a new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China ("PRC") covering the period November 1, 2004, through April 30, 2005. See *Fresh Garlic from the People's Republic of China: Notice of Initiation of New Shipper Antidumping Duty Review*, 70 FR 39733 (July 11, 2005) ("Initiation Notice"). This new shipper review covered three exporters, Shandong Chenshun Farm Produce Trading Company, Ltd., Shenzhen Fanhui Import and Export Co., Ltd., and Xi'an XiongLi Foodstuff Co., Ltd. ("Xian XiongLi"). For the reasons discussed below, pursuant to 19 CFR 351.214(f)(1), we are rescinding the review of Xian XiongLi.

**EFFECTIVE DATE:** September 14, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ryan Douglas or Brian Ledgerwood at AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1277 and (202) 482-3836, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 26, 2005, the Department received a timely request for a new shipper review of the antidumping duty order on fresh garlic from the PRC from Xian XiongLi, an exporter of subject merchandise sold to the United States. On June 30, 2005, the Department initiated this new shipper review covering the period November 1, 2004, through April 30, 2005. On August 9, 2005, the Department received a timely request from Xian XiongLi to withdraw its request for this review. See *Letter from Xian XiongLi Foodstuff Co., Ltd. to the Department, August 9, 2005*.

##### Scope of the Antidumping Duty Order

The products subject to 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 (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 0703.20.0000, 0710.80.7060, 0710.80.9750, 0711.90.6000, and 2005.90.9500 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 proceeding is dispositive.

In order to be excluded from antidumping duties, 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 the U.S. Customs and Border Protection ("CBP") to that effect.

##### Rescission of New Shipper Review

Pursuant to 19 CFR 351.214(f)(1), the Department will rescind a new shipper review if a party that requested a review withdraws its request not later than 60 days after the date of publication of the notice of initiation of the requested review. Xian XiongLi; withdrew its request for a new shipper review on August 09, 2005, before the expiration of the 60-day deadline. No other party requested a new shipper review of Xian XiongLi, therefore, we are rescinding the new shipper review of the antidumping duty order on fresh garlic from the PRC with respect to Xian XiongLi in accordance with 19 CFR 351.214(f)(1).

##### Cash Deposits

The Department will issue appropriate cash deposit instructions to CBP for shipments from Xian XiongLi of fresh garlic from the PRC entered, or withdrawn from warehouse, for

consumption in the United States on or after the publication of this notice of rescission of antidumping duty new shipper review in the **Federal Register**. Further, effective upon publication of this notice, for all shipments of the subject merchandise exported by Xian XiongLi and entered, or withdrawn from warehouse, for consumption, the cash deposit rate will be the PRC-wide rate, which is 376.67 percent.

#### Notification to Parties Subject to Administrative Protective Orders

This notice serves as a reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department's regulations. Timely written notification of the return/destruction of APO material 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 sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.214(f)(3).

Dated: September 7, 2005.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-427-818]

#### Notice of Final Results of Antidumping Duty Administrative Review: Low Enriched Uranium From France

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

**SUMMARY:** On March 7, 2005, the Department of Commerce (the Department) published the preliminary results of its second administrative review of the antidumping duty order on low enriched uranium (LEU) from France. The review covers one producer of the subject merchandise. The period of review (POR) is February 1, 2003, through January 31, 2004. Based on our analysis of the comments received, we have made changes to the preliminary results. For the final dumping margins see the "Final Results of Review" section below.

**EFFECTIVE DATE:** September 14, 2005.

**FOR FURTHER INFORMATION CONTACT:** Myrna Lobo or Elfi Blum at (202) 482-2371 or (202) 482-0197, respectively; AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 7, 2005, the Department published in the **Federal Register** the preliminary results of the second administrative review of the antidumping duty order on LEU from France. See *Low Enriched Uranium From France: Preliminary Results of Antidumping Duty Administrative Review*, 70 FR 10957 (March 7, 2005), (*Preliminary Results*).

We invited parties to comment on the *Preliminary Results*. On June 30, 2005, we received case briefs from the sole respondent, Eurodif S.A., Compagnie Générale Des Matières Nucléaires, S.A. and COGEMA, Inc. (collectively, Eurodif/COGEMA), and the petitioner, the United States Enrichment Corporation and USEC Inc. (collectively, USEC). Eurodif/COGEMA and USEC submitted their rebuttal briefs on July 8, 2005.

On June 15-17, 2005, the Department conducted verification of the information submitted by respondent on behalf of Électricité de France (EdF), an affiliated electricity supplier, and of the research and development (R&D) activities conducted by the Commissariat à l'Energie Atomique (CEA). Eurodif/COGEMA and USEC submitted comments to the verification report on July 22, 2005, and July 25, 2005, respectively. Eurodif/COGEMA submitted its rebuttal comments on July 28, 2005 (amended on August 2, 2005), and USEC submitted its rebuttal comments on July 27, 2005.

A hearing was held on August 4, 2005. At petitioner's request, a portion of the hearing was conducted on a closed basis, for purposes of discussing business proprietary information.

On August 25, 2005, the Department placed on the record of this review new information pertaining to USEC's R&D activities into centrifuge technology and invited the parties to comment. Eurodif/COGEMA and the petitioner filed their comments on August 29, 2005, and their rebuttals on August 31, 2005.

##### Scope of the Order

The product covered by this order is all low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF<sub>6</sub>)

with a U<sup>235</sup> product assay of less than 20 percent that has not been converted into another chemical form, such as UO<sub>2</sub>, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of this order. Specifically, this order does not cover enriched uranium hexafluoride with a U<sup>235</sup> assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of this order. For purposes of this order, fabricated uranium is defined as enriched uranium dioxide (UO<sub>2</sub>), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U<sub>3</sub>O<sub>8</sub>) with a U<sup>235</sup> concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U<sup>235</sup> concentration of no greater than 0.711 percent are not covered by the scope of this order.

Also excluded from this order is LEU owned by a foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO<sub>2</sub>) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported LEU (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designed transporter(s) while in U.S. customs territory, and (ii) are re-exported within eighteen (18) months of entry of the LEU for consumption by the end-user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end-user.

The merchandise subject to this order is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

##### Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), on June 15-17, 2005 we verified the information submitted by Eurodif/COGEMA regarding its POR purchases of electricity from EdF, and R&D expenses incurred during the POR by the CEA and attributable to Eurodif/COGEMA. We used standard