

Notice of Final Determination of Sales at Less Than Fair Value, 65 FR 25706 (May 3, 2000).

Combination Rates

In *Circular Welded Austenitic Stainless Pressure Pipe from the People's Republic of China: Initiation of Antidumping Duty Investigation*, 73 FR 10221 (February 26, 2008) (*Initiation Notice*), the Department stated that it would calculate combination rates for respondents that are eligible for a separate rate in this investigation. See *Initiation Notice*. This change in practice is described in Policy Bulletin 05.1, available at <http://ia.ita.doc.gov/>. Policy Bulletin 05.1, states:

While continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of "combination rates" because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation.

See Policy Bulletin 05.1, "Separate Rates Practice and Application of Combination Rates in Antidumping Investigations Involving Non-Market Economy Countries."

Final Determination Margins

We determine that the following percentage dumping margins exist for the POI:

Manufacturer/Exporter	Margin (Percent)
Zhejiang Jiuli Hi-Tech Metals Co., Ltd. Produced by: Zhejiang Jiuli Hi-Tech Metals Co., Ltd.	10.53%
PRC-Wide Rate	55.21%

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of circular welded austenitic stainless pressure pipe from the PRC, as described in the "Scope of Investigation" section, entered, or withdrawn from warehouse, for consumption on or after September 5, 2008, the date of publication of the *Preliminary Determination* in the **Federal Register**. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average dumping margin amount by which the NV exceeds U.S. price, as follows: (1) The rate for the exporter/producer combination listed in the chart above will be the rate we have determined in this final determination; (2) for all PRC exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the PRC-wide entity rate; and (3) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash-deposit rate will be the rate applicable to the PRC exporter/producer combination that supplied that non-PRC exporter. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our final determination of sales at LTFV. As our final determination is affirmative, in accordance with section 735(b)(2) of the Act, within 45 days the ITC will determine whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of the subject merchandise. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing CBP to assess, upon further instruction by the Department, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to the 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. Timely notification of return or 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 determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: January 21, 2009.

Ronald K. Lorentzen,
Acting Assistant Secretary for Import Administration.

Appendix I

List of Issues

Comment 1: Whether, as Adverse Facts Available for the PRC-Wide Entity, the Department Should Use the Petition, Initiation, or Preliminary Determination Margins, and Whether Those Margins Should be Adjusted Using Thai, Instead of Indian, Surrogate Values

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-890]

Amended Final Results of Antidumping Duty Administrative Review: Wooden Bedroom Furniture From the People's Republic of China

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

SUMMARY: On August 20, 2008, the Department of Commerce ("Department") published in the **Federal Register** the final results of the second administrative review and concurrent new shipper review of the antidumping duty order on wooden bedroom furniture from the People's Republic of China ("PRC"). See *Wooden Bedroom Furniture from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review*, 73 FR 49162 (August 20, 2008) ("*Final Results*") and accompanying Issues and Decision Memorandum (August 8, 2007) ("*Issues and Decision Memo*"). The period of review ("POR") covered January 1, 2006, through December 31, 2006. We are amending our *Final*

Results to correct ministerial errors made in the calculation of the antidumping duty margin for Fujian Lianfu Forestry Co./Fujian Wonder Pacific Inc./Fuzhou Huan Mei Furniture Co., Ltd./Jiangsu Dare Furniture Co., Ltd. (collectively, "the Dare Group") and Teamway Furniture (Dong Guan) Co., Ltd., and Brittomart Inc. (collectively "Teamway"), pursuant to section 751(h) of the Tariff Act of 1930, as amended ("Act")¹. These corrections will also affect the dumping margins for the other companies in the review to which a separate rate applies. See the Ministerial Error Memorandum for the Final Results of the 2006 Administrative and New Shipper Reviews of Wooden Bedroom Furniture from the People's Republic of China, dated January 23, 2009.

DATES: *Effective Date:* January 28, 2009.

FOR FURTHER INFORMATION CONTACT: Paul Stolz, 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) 482-4474.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 2008,² Petitioners,³ Teamway,⁴ and American Signature Inc. ("ASI"), interested parties, filed timely ministerial error allegations with respect to the Department's antidumping duty margin calculation in the *Final Results*. On September 3, 2008, Petitioners and Dare Group filed timely rebuttal comments.

Scope of Order

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid

wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, oriented strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) Wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chiffoniers, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-drawers,⁵ highboys,⁶ lowboys,⁷ chests of drawers,⁸ chests,⁹ door chests,¹⁰ chiffoniers,¹¹ hutches,¹² and armoires;¹³ (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

⁵ A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

⁶ A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

⁷ A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

⁸ A chest of drawers is typically a case containing drawers for storing clothing.

⁹ A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

¹⁰ A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

¹¹ A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

¹² A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

¹³ An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

The scope of the order excludes the following items: (1) Seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate;¹⁴

¹⁴ As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. See Customs' Headquarters' Ruling Letter 043859, dated May 17, 1976.

¹⁵ Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24" in width, 18" in depth, and 49" in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. See Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, Concerning Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China, dated August 31, 2004. See also *Wooden Bedroom Furniture from the People's Republic of China: Notice of Final Results of Changed Circumstances Review and Revocation in Part*, 71 FR 38621 (July 7, 2006).

¹⁶ Cheval mirrors are, *i.e.*, any framed, tiltable mirror with a height in excess of 50" that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.*, a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet lined with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. See *Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review and Determination To Revoke Order in Part*, 72 FR 948 (January 9, 2007).

¹⁷ Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.*, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom

(9) jewelry armoires;¹⁵ (10) cheval mirrors;¹⁶ (11) certain metal parts;¹⁷ (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; and (13) upholstered beds.¹⁸

Imports of subject merchandise are classified under subheading 9403.50.9040 of the HTSUS as “wooden * * * beds” and under subheading 9403.50.9080 of the HTSUS as “other * * * wooden furniture of a kind used in the bedroom.” In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9040 of the HTSUS as “parts of wood” and framed glass mirrors may also be entered under subheading 7009.92.5000 of the HTSUS as “glass mirrors * * * framed.” This order covers all wooden bedroom furniture meeting the above description, regardless of tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Ministerial Errors

A ministerial error is defined in section 751(h) of the Act and further clarified in 19 CFR 351.224(f) as “an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.”

After analyzing all interested parties’ comments, we have determined, in accordance with 19 CFR 351.224(e), that ministerial errors existed in certain calculations for Dare Group and Teamway in the *Final Results*. Correction of these errors results in a change to Dare Group’s and Teamway’s final antidumping duty margins. Additionally, the rate change for Dare Group and Teamway also affects the dumping margins for the other companies subject to the administrative review that receive a separate rate. The dumping margin for the PRC-wide entity remains unchanged. For a detailed discussion of these ministerial errors, as well as the Department’s analysis, see the Memorandum titled:

Ministerial Error Memorandum for the Final Results of Reviews of Wooden Bedroom Furniture from the People’s Republic of China, dated January 23, 2009, (“Ministerial Error Allegation Memorandum”). The Ministerial Error Allegation Memorandum is on file in the Central Records Unit, room 1117 in the main Department building. The index for this memorandum is attached as Appendix 1.

Therefore, in accordance with section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of the administrative review of wooden bedroom furniture from the PRC. The revised weighted-average dumping margins are detailed below. For company-specific calculations, see “Analysis Memorandum for the Amended Final Results for Dare Group,” dated January 23, 2009, and “Analysis Memorandum for the Amended Final Results for Teamway” dated January 23, 2009. Listed below are the weighted average dumping margins resulting from this administrative review and new shipper review including the revised margins resulting from these amended final results:

WOODEN BEDROOM FURNITURE FROM THE PRC

Exporter	Weighted-average margin (percent)
Fujian Lianfu Forestry Co., Ltd., aka Fujian Wonder Pacific Inc. (Dare Group)	39.44
Fuzhou Huan Mei Furniture Co., Ltd. (Dare Group)	39.44
Jiangsu Dare Furniture Co., Ltd. (Dare Group)	39.44
Teamway Furniture (Dong Guan) Co. Ltd., Brittomart Inc.	25.06
BNBM Co., Ltd. (aka Beijing New Material Co., Ltd.)	33.38
Classic Furniture Global Co., Ltd.	33.38
Dalian Guangming Furniture Co., Ltd.	33.38
Decca Furniture Ltd., aka Decca	33.38
Dong Guan Golden Fortune Houseware Co., Ltd.	33.38
Dongguan Mingsheng Furniture Co., Ltd.	33.38
Dongguan Yihaiwei Furniture Limited	33.38
Fortune Furniture Ltd. and its affiliate, Dongguan Fortune Furniture Ltd.	33.38
Gaomi Yatai Wooden Ware Co., Ltd., Team Prospect International Ltd., Money Gain International Co.	33.38
Guangming Group Wumahe Furniture Co., Ltd.	33.38
Inni Furniture	33.38
Mei Jia Ju Furniture Industrial (Shenzhen) Co. Ltd. ¹⁹	216.01
Meikangchi (Nantong) Furniture Company Ltd.	33.38
Nanjing Nanmu Furniture Co., Ltd.	33.38
Po Ying Industrial Co.	33.38
Qingdao Beiyuan-Shengli Furniture Co., Ltd., Qingdao Beiyuan Industry Trading Co. Ltd.	33.38
Shenzhen Tiancheng Furniture Co., Ltd., Winbuild Industrial Ltd., Red Apple Furniture Co., Ltd. and Red Apple Trading Co., Ltd. ..	33.38
Shenyang Kunyu Wood Industry Co., Ltd.	33.38
Shenzhen Xingli Furniture Co., Ltd.	33.38
Tianjin First Wood Co., Ltd.	33.38
Union Friend International Trade Co., Ltd.	33.38
Winmost Enterprises Limited	33.38

furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under the Harmonized Tariff Schedule of the United States (“HTSUS”) subheading 9403.90.7000.

¹⁸ Upholstered beds that are completely upholstered, i.e., containing filling material and

completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than

nine inches in height from the floor. See *Wooden Bedroom Furniture from the People’s Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part*, 72 FR 7013 (February 14, 2007).

WOODEN BEDROOM FURNITURE FROM THE PRC—Continued

Exporter	Weighted-average margin (percent)
Winy Overseas, Ltd.	33.38
Yangchen Hengli Co., Ltd.	33.38
Yichun Guangming Furniture Co., Ltd.	33.38
Zhong Cheng Furniture Co., Ltd.	33.38
PRC-Wide Rate ²⁰	216.01

¹⁹ Mei Jia Ju Furniture Industrial (Shenzhen) Co. Ltd. is subject to the new shipper review, not the administrative review. Therefore, its dumping margin is unaffected by these amended final results of the administrative review.

²⁰ The PRC-Wide Rate is unaffected by these amended final results of the 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 the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification 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.

Disclosure

We will disclose the calculations performed for these final results within five days of the date of publication of this notice to interested parties in accordance with 19 CFR 351.224(b).

Assessment Rate

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries based on the amended final results. For details on the assessment of antidumping duties on all appropriate entries, see *Final Results*.

The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of the amended final results of the administrative review.

Cash Deposit Requirements

The following cash deposit requirements will be effective retroactively on any entries made on or after August 8, 2008, the date of publication of the *Final Results*, for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be the rates shown for those companies (except if the rate is *de minimis*, i.e., less than 0.5 percent, a zero cash deposit will be required for that company); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 216.01 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements shall remain in effect until further notice.

These amended final results are published in accordance with sections 751(h) and 777(i)(1) of the Act.

Dated: January 23, 2009.

Ronald Lorentzen,

Acting Assistant Secretary for Import Administration.

APPENDIX 1

General Issues

Issue 1: Whether the Department Miscalculated/Mis-applied the Surrogate Values ("SV") for 29 Factors of Production ("FOP")

Teamway-Specific Issues

Issue 2: Whether the Department Incorrectly Calculated Market Economy Purchase ("MEP") Prices for Certain Inputs.
 Issue 3: Whether the Department Applied an Incorrect Truck Freight to Certain Inputs.
 Issue 4: Whether the Department Omitted Mirrors from Teamway's Normal Value Calculations.
 Issue 5: Whether the Department Properly Corrected the Electricity and Water Usage Rates for the Verification Minor Correction.
 Issue 6: Whether the Department Incorrectly Applied Adverse Facts Available ("AFA") to Veneers.
 Issue 7: Whether the Department Incorrectly Assigned FOPs to Control Numbers ("CONNUMS") ("pre-POR CONNUMS") Sold but not Produced during the Period of Review ("POR").
 Issue 8: Whether the Department Incorrectly Included Certain Transactions in its Margin Calculation for the Final Results.

Dare Group-Specific Issues

Issue 9: Whether the Department Correctly Applied the Cubic-Meters-to-Pieces Conversion Factor for Semi-finished Furniture.
 Issue 10: Whether the Department Should Apply the Average Piece-Types Conversion Factor for CONNUMS with No Specific Conversion Factor Reported to Convert Semi-finished Furniture from its Reported Quantity in Cubic Meters ("M3") to Pieces.
 Issue 11: Whether the Department Failed to Weight-Average the Market Economy Purchase Prices and Average Unit Values ("AUV").
 Issue 12: Whether the Department Failed to Exclude Non-Subject Piece Types From its Margin Calculations.
 Issue 13: Whether the Department Included Certain FOPs in the Normal Value Calculation.
 Issue 14: Whether the Department Failed to Use the Correct Conversion Factor for VENEERPLY.
 Issue 15: Whether the Department Incorrectly Converted the Currency of BIRCHWOOD SV.
 Issue 16: Whether the Department Used the Correct Conversion Factors for Certain FOP Freight Costs.
 Issue 17: Whether the Department Implemented its Intended AFA with Respect to a Type of Plywood.

- Issue 18: Whether the Department Failed to Incorporate Minor Corrections Accepted at Verification.
- Issue 19: Whether the Department Mistakenly Used an MEP from a Subsidy Country to Value an FOP.
- Issue 20: Whether the Department Used the Correct Kilogram (“kg”)/Square Meter (“M2”) Converter for Luan Veneer (“LAUANVENEER”).
- Issue 21: Whether the Department Used an Incorrect SV for Truck Freight in the Cost Calculation String for LEATHEROID.
- Issue 22: Whether the Department Incorrectly Included Packing Labor in the Calculation of the Cost of Manufacture (“COM”) with Respect to CONNUMS Reported in the “Sold Not Produced” (“SNP”) FOP Database.
- Issue 23: Whether the Department Made an Error in the Calculation of the Surrogate Financial Ratios.
- Issue 24: Whether the Department Failed to Deflate SVs Based on 2007 Import Data.
- Issue 25: Whether the Department Applied the Correct kg/Cubic Meter (“M3”) Converter for Fiberboard.
- Issue 26: Whether the Department Used an Incorrect SV for Philippine Harmonized Schedule (“HS”) Number 4407.99.00 in the SNP SV Spreadsheet to Value Several Types of Wood and Wood Parts.

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DEPARTMENT OF COMMERCE

International Trade Administration

A–552–801

Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Preliminary Results of the Third New Shipper Reviews

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

SUMMARY: On February 1, 2005, the Department published in the **Federal Register** the antidumping duty order on certain frozen fish fillets from the Socialist Republic of Vietnam (“Vietnam”). See *Notice of Antidumping Duty Order: Certain Frozen Fish Fillets From the Socialist Republic of Vietnam*, 68 FR 47909 (August 12, 2003) (“*Order*”). The Department is conducting new shipper reviews (“NSR”) of the *Order*, covering the period of review (“POR”) of August 1, 2007, through January 31, 2008. If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on entries of subject merchandise during the POR for which the importer-specific assessment rates are above *de minimis*.

EFFECTIVE DATE: January 28, 2009.

FOR FURTHER INFORMATION CONTACT: Alan Ray or Emeka Chukwudebe, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington DC 20230; telephone: (202) 482–5403 or (202) 482–0219, respectively.

SUPPLEMENTARY INFORMATION:

General Background

On February 25, 2008, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (“the Act”), and 19 CFR 351.214(c), the Department received NSR requests from Asia Commerce Fisheries Joint Stock Company (“Acom”) and Hiep Thanh Seafood Joint Stock Company (“Hiep Thanh”). Both companies certified that they are the producers and exporters of the subject merchandise upon which the requests were based.

On April 7, 2008, the Department initiated antidumping duty new shipper reviews on frozen fish fillets from Vietnam covering the two companies. See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Initiation of Antidumping Duty New Shipper Reviews*, 72 FR 54428 (April 7, 2008).

On April 14, 2008, the Department issued original questionnaires to both Hiep Thanh and Acom. Between May and October 2008, Hiep Thanh and Acom submitted responses to the original sections A, C, and D questionnaires and supplemental sections A, C, and D questionnaires.

Extension of Time Limits

On September 25, 2008, the Department extended the deadline for the preliminary results of this review by 120 days, to January 20, 2009. See *Certain Frozen Fish Fillets from the Socialist Republic of Vietnam: Extension of Time Limits for the Preliminary Results of the New Shipper Reviews*, 73 FR 55496 (September 25, 2008)¹ (“*Extension*”).

Surrogate Country and Surrogate Values

On December 12, 2008, the Department sent interested parties a letter requesting comments on surrogate country selection and information pertaining to valuing factors of production (“FOP”). On January 5,

¹ Where a statutory deadline falls on a weekend, federal holiday, or any other day when the Department is closed, the Department will continue its longstanding practice of reaching our determination on the next business day. In this instance, the preliminary results will be released no later than January 21, 2009.

2009, Petitioners² submitted surrogate value data. No other party submitted surrogate country or surrogate value data.

Verification

Pursuant to 19 CFR 351.307(b)(iv), we conducted verification of the sales and factors of production (“FOP”) for Hiep Thanh between November 12–20, 2008. See Memorandum to the File from Alan Ray, Case Analyst through Alex Villanueva, Program Manager, Verification of the Sales and Factors Response of Hiep Thanh in the Antidumping New Shipper Review of Certain Frozen Fish Fillets from the Socialist Republic of Vietnam (“Vietnam”), dated December 12, 2008 (“Hiep Thanh Verification Report”).

Scope of the Order

The product covered by this Order is frozen fish fillets, including regular, shank, and strip fillets and portions thereof, whether or not breaded or marinated, of the species *Pangasius Bocourti*, *Pangasius Hypophthalmus* (also known as *Pangasius Pangasius*), and *Pangasius Micronemus*. Frozen fish fillets are lengthwise cuts of whole fish. The fillet products covered by the scope include boneless fillets with the belly flap intact (“regular” fillets), boneless fillets with the belly flap removed (“shank” fillets), boneless shank fillets cut into strips (“fillet strips/finger”), which include fillets cut into strips, chunks, blocks, skewers, or any other shape. Specifically excluded from the scope are frozen whole fish (whether or not dressed), frozen steaks, and frozen belly-flap nuggets. Frozen whole dressed fish are deheaded, skinned, and eviscerated. Steaks are bone-in, cross-section cuts of dressed fish. Nuggets are the belly-flaps. The subject merchandise will be hereinafter referred to as frozen “basa” and “tra” fillets, which are the Vietnamese common names for these species of fish. These products are classifiable under tariff article codes 1604.19.4000, 1604.19.5000, 0305.59.4000, 0304.29.6033 (Frozen Fish Fillets of the species *Pangasius* including basa and tra) of the Harmonized Tariff Schedule of the United States (“HTSUS”).³ This

² The Catfish Farmers of America and individual U.S. catfish processors, America’s Catch, Consolidated Catfish Companies, LLC dba Country Select Catfish, Delta Pride Catfish, Inc., Harvest Select Catfish, Inc., Heartland Catfish Company, Pride of the Pond, Simmons Farm Raised Catfish, Inc., and Southern Pride Catfish Company LLC (collectively, “Petitioners”).

³ Until July 1, 2004, these products were classifiable under tariff article codes 0304.20.60.30 (Frozen Catfish Fillets), 0304.20.60.96 (Frozen Fish Fillets, NESOI), 0304.20.60.43 (Frozen Freshwater