

make an adverse inference." See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27340 (May 19, 1997). See also *Nippon Steel Corp. v. United States*, 337 F.3d 1373, 1382 (Fed. Cir. 2003).

As discussed in detail in the *Preliminary Determination*, 74 FR at 20916–20918, Sunlake refused to respond to the Department's questionnaire despite being given ample opportunity to do so by the Department. Thus, pursuant to sections 776(a)(2)(A), (B), and (C) of the Act, the Department found that the use of facts available was appropriate for Sunlake in this circumvention proceeding. Furthermore, the Department found that Sunlake had not acted to the best of its ability in this circumvention proceeding within the meaning of section 776(b) of the Act. Accordingly, we preliminarily applied adverse facts available (AFA) to Sunlake. Specifically, we preliminarily considered all of Sunlake's exports of tissue paper products from Thailand to be of PRC origin and concluded that Sunlake is circumventing the *Order*. We also assigned Sunlake a margin of 112.64 percent, which is the highest corroborated rate on the record in any completed segment of the tissue paper proceeding.

No party filed comments objecting to the Department's *Preliminary Determination* and no further information has come to the Department's attention warranting reconsideration of that determination. Therefore, we continue to find that the application of facts available is necessary pursuant to section 776(a) of the Act, and that Sunlake has failed to act to the best of its ability in this circumvention proceeding, warranting the use of an adverse inference under section 776(b) of the Act. Thus, as AFA, we continue to determine that all of Sunlake's exports of tissue paper products from Thailand to the United States are, in fact, of PRC origin, and that Sunlake is circumventing the *Order*.

Accordingly, for this final determination, we are applying to Sunlake a margin of 112.64 percent, as AFA. This margin is the highest rate on the record in any completed segment of this proceeding (*i.e.*, the LTFV investigation, and the first and second administrative reviews) and it has been corroborated in accordance with section 776(c) of the Act, as discussed in detail in the *Preliminary Determination*, 74 FR at 20918.

### Suspension of Liquidation and Cash Deposit Requirement

In accordance with section 19 CFR 351.225(l), the Department will direct CBP to continue to suspend liquidation and to require a cash deposit of estimated duties, at the rate of 112.64 percent, on all unliquidated entries of certain tissue paper products produced in and exported from Thailand by Sunlake that were entered, or withdrawn from warehouse, for consumption on or after October 21, 2008, the date of initiation of the circumvention inquiry.

### Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective order (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 written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulation and terms of an APO is a violation which is subject to sanction.

This affirmative final circumvention determination is published in accordance with section 781(b) of the Act and 19 CFR 351.225.

Dated: June 12, 2009.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E9–14359 Filed 6–18–09; 8:45 am]

**BILLING CODE 3510–DS–S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–831]

### Fresh Garlic From the People's Republic of China: Final Results and Partial Rescission of the 13th Antidumping Duty Administrative Review and New Shipper Reviews

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

**SUMMARY:** The Department of Commerce (Department) is conducting the administrative review (AR) and new shipper reviews (NSRs) of the antidumping duty order on fresh garlic from the People's Republic of China (PRC) covering the period of review (POR) of November 1, 2006 through October 31, 2007. As discussed below, we determine that sales have been made

in the United States at prices below normal value (NV) with respect to certain exporters who participated fully and are entitled to a separate rate in the AR or NSRs. In addition, we are rescinding the NSRs for two companies. Finally, the Department is rescinding the antidumping duty AR of companies that timely certified that they had no shipments of subject merchandise to the United States during the POR. We intend to instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on entries of subject merchandise during the POR for which importer-specific assessment rates are above *de minimis*.

**DATES:** *Effective Date:* June 19, 2009.

### FOR FURTHER INFORMATION CONTACT:

Scott Lindsay, Nicholas Czajkowski, or Summer Avery, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone: (202) 482–0780, (202) 482–1395, and (202) 482–4052, respectively.

### SUPPLEMENTARY INFORMATION:

#### Background

On December 8, 2008, the Department published in the **Federal Register** the preliminary results of the AR and NSRs of the antidumping duty order on fresh garlic from the PRC. See *Fresh Garlic from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative and New Shipper Reviews and Intent to Rescind, in Part, the Antidumping Duty Administrative and New Shipper Reviews*, 73 FR 74462 (December 8, 2008) (*Preliminary Results*). Since the *Preliminary Results*, the following events have occurred.

Shandong Chenhe International Trading Co., Ltd. (Chenhe) filed letters on December 12 and December 31, requesting that the Department rescind this AR with respect to Chenhe and remove it from the list of companies subject to the PRC-wide rate, as determined in the *Preliminary Results*. On December 15, Shenzhen Greening Trading Co., Ltd. (Greening) also filed a letter seeking removal from the list of companies subject to the PRC-wide rate and revised publication of the *Preliminary Results*. On December 18, the Department notified parties that case briefs would be due seven days after the last verification report was issued. On December 19 and 23, the Fresh Garlic Producers Association (FGPA) and its individual members (Christopher Ranch LLC, the Garlic Company, Valley Garlic, and Vessey and Company, Inc.) (collectively, Petitioners), filed letters in

response to those filed by Chenhe and Greening. On January 14, 2009, Petitioners filed additional surrogate value information.

On February 26, the Department extended the time limit for completion of the final results of this administrative review by 60 days. *See Fresh Garlic from the People's Republic of China: Extension of Time Limits for Final Results of the Antidumping Duty Administrative Review and New Shipper Reviews*, 74 FR 8774 (February 26, 2009).

On March 18, the Department issued a memorandum proposing, and inviting interested parties to comment in their case briefs on, revised assessment and cash deposit methodologies with respect to the separate rate companies and PRC-wide entity in these reviews. *See Letter to All Interested Parties Re: The 2006/2007 Administrative Review of Garlic from the People's Republic of China (March 18, 2009) (Per Unit Memorandum)*.

The Department conducted verification of the AR and NSR respondents from March 2 through March 14. On April 20 and 21, the Department issued its verification reports. On April 21, the Department notified parties that case briefs were due April 28. In response to requests filed by the AR and NSR respondents and Petitioners on April 23 and 24, respectively, the Department extended the deadlines for case briefs to May 1.

On April 29, Chenhe submitted a case brief. On May 1, 2009, Petitioners, Zhengzhou Yuanli Trading Co. Ltd. (Yuanli), Ningjin Rui Feng Foodstuff Co., Ltd. (Ningjin Rui Feng), as well as Weifang Shennong Foodstuff Co., Ltd. (Weifang Shennong), Anqiu Friend Food Co. Ltd. (Anqiu Friend), and Anqiu Haoshun Trade Co., Ltd. (Haoshun) (collectively, WAA), submitted case briefs. After reviewing the case briefs, the Department instructed WAA to re-file their case briefs because they contained untimely new factual information. WAA filed the final versions of their redacted case briefs on May 7. On May 6 and May 8, Yuanli, Petitioners, and WAA submitted rebuttal briefs. On May 28, the Department instructed Yuanli to re-file its case brief and Petitioners to re-file their rebuttal brief because they contained untimely new factual information. Yuanli and Petitioners re-filed their case and rebuttal briefs, respectively, on May 29.

### Scope of the Order

The products covered by this 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 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 CBP to that effect.

### Analysis of Comments Received

Issues raised in the case and rebuttal briefs by parties to this proceeding and to which we have responded are listed in Appendix 1 to this notice and addressed in the Issues and Decision Memorandum (Issues and Decision Memorandum), which is hereby adopted by this notice.<sup>1</sup> Parties can find a complete discussion of the issues raised in these AR and NSRs and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit (CRU), Room 1117 of the main Department building.

<sup>1</sup> In addition, due to the proprietary nature of much of the information involved in company-specific discussions, the Department has found it necessary to address certain issues in separate memoranda. *See Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China (PRC): Bona Fides Comments Memorandum for Ningjin Rui Feng Foodstuff Co., Ltd. (Ningjin Rui Feng Comments Memorandum), Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China (PRC): Bona Fides Comments Memorandum for Anqiu Haoshun Foodstuff Co., Ltd. (Haoshun Comments Memorandum)*, and the three company-specific memoranda referenced in the "Bona Fides Analysis" section below.

In addition, a copy of the Issues and Decision Memorandum can be accessed directly on our Web site at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

### Final Partial Rescission of Administrative Review

In the *Preliminary Results*, the Department preliminarily rescinded the administrative review with respect to the following three companies: Jinan Farmlady Trading Co., Ltd. (Jinan Farmlady), Qingdao Tiantaixing Foods Co., Ltd. (Qingdao Tiantaixing), and Qingdao Xintianfeng Foods Co., Ltd. (Qingdao Xintianfeng). Jinan Farmlady, Qingdao Tiantaixing, and Qingdao Xintianfeng reported that they had no shipments of subject merchandise to the United States during the POR. *See Preliminary Results*, 73 FR at 74465. As we stated in the *Preliminary Results*, our examination of shipment data from CBP for the three no-shipment companies confirmed that there were no entries of subject merchandise which they exported during the POR. *Id.* We also received no comments or information to change our preliminary rescission. Therefore, we are rescinding this administrative review with respect to all three aforementioned companies.

### Final Rescission of New Shipper Review With Respect to Anqiu Haoshun

In the *Preliminary Results*, the Department preliminarily rescinded Haoshun's new shipper review. *See Preliminary Results*, 73 FR at 74465. Based on our analysis of arguments made by the parties, the Department will not change its preliminary rescission. Therefore, we are rescinding this new shipper review with respect to Haoshun. (*See "Bona Fides Analysis" section below; Comment 10 of the accompanying Issues and Decision Memorandum; and the memorandum from Scott Lindsay to Barbara Tillman, Final Results of Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China: Bona Fide Analysis of Anqiu Haoshun Trade Co., Ltd.'s Sale (June 8, 2009) (Haoshun Final Bona Fide Memorandum)*, and *Haoshun Comments Memorandum*.)

### Bona Fides Analysis

As noted in the *Preliminary Results*, while conducting a review, particularly a review where a company's margin would be based on a single sale, the Department examines price, quantity, and other circumstances associated with the sale under review, and must determine if the sale was based on

normal commercial considerations and presents an accurate representation of the company's normal business practices. If the Department determines that the price was not based on normal commercial considerations or is atypical of the respondent's normal business practices, including other sales of comparable merchandise, the sale may be considered non-*bona fide*.

In the *Preliminary Results*, the Department preliminarily concluded that the single sale made by Haoshun during the POR was a not a *bona fide* commercial transaction and preliminarily rescinded the NSR with respect to Haoshun. In addition, the Department preliminarily found the sales made by Yuanli and Ningjin Ruifeng to be *bona fide* commercial transactions. Petitioners, Respondents, Yuanli, and Ningjin Ruifeng have submitted extensive arguments regarding the Department's preliminary *bona fides* analyses of Haoshun's, Yuanli's and Ningjin Ruifeng's new shipper sales. In addition, these parties have submitted arguments as to whether the Department should rescind each company's NSR in these final results. Most of the parties' arguments are based on information which is business proprietary. Thus, the parties' comments are fully discussed in the Haoshun Comments Memorandum, Ningjin Ruifeng Comments Memorandum, and *Final Results of Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China: Bona Fide Analysis of Zhengzhou Yuanli Trading Co. Ltd's Sale* (June 8, 2009) (Yuanli Final Bona Fide Memorandum).

Based on the totality of the circumstances as discussed in the memoranda addressing *bona fides* issues, for these final results, the Department continues to find the price and quantity of Haoshun's single POR sale to be unreasonable and atypical, and therefore find the sale to be not *bona fide*. Thus, the Department has rescinded the NSR with respect to Haoshun. In addition, we determine that the new shipper sale made by Ningjin was not a *bona fide* commercial transaction because Ningjin failed to establish payment terms while negotiating its U.S. sale, the quantity of garlic sold was unreasonably low, and there is other evidence that this transaction may not have been made on an arm's-length basis. Thus, the Department has also rescinded the NSR with respect to Ningjin. Finally, we continue to find that Yuanli's sales was *bona fide*. Given the proprietary nature of the underlying data used to formulate the Department's analysis and

determinations, see the Issues and Decision Memorandum at Comment 10, Haoshun Final Bona Fide Memorandum, Haoshun Comments Memorandum, *Final Results of Antidumping Duty New Shipper Review of Fresh Garlic from the People's Republic of China: Bona Fide Analysis of Ningjin Ruifeng Foodstuff Co., Ltd.'s Sale* (June 8, 2009), Ningjin Ruifeng Comments Memorandum, and Yuanli Final Bona Fide Memorandum, for details of the proprietary data that support the decisions contained herein.

**Changes Since the Preliminary Results**

Based on a review of the record as well as comments received from parties regarding our *Preliminary Results*, we have made revisions to the margin calculations for Anqiu Friend, Weifang Shennong, and Yuanli. Specifically, the Department will use an average of the financial ratios of ADF Foods Ltd. (ADF); Tata Tea Ltd. (Tata Tea); and Limtex to value the factory overhead (FOH), selling, general & administrative (SG&A) expenses, and profit used to calculate NV. (See 19 CFR 351.408(c)(4).) We note that using an average of three Indian processors' data will allow us to calculate financial ratios that better reflect the broader experience of the surrogate industry. Moreover, as ADF's and Tata Tea's production processes are more comparable to that of peeled garlic, which comprises an increasing share of all PRC garlic imports, and Limtex's production process is comparable to that of non-processed whole garlic bulbs, which continue to comprise a large share of PRC garlic imports nonetheless, the resulting financial ratios will be a better surrogate for the garlic industry in the PRC as a whole. See Issues and Decision Memorandum at Comment 3. See also *Administrative Review and New Shipper Review of Fresh Garlic from the People's Republic of China: Surrogate Values for the Final Results (Final Surrogate Values Memorandum)*.

As a result of the revisions made to Anqiu Friend's and Weifang Shennong's company-specific margins, the margin calculated for the four separate rate companies, Jinxiang Dongyun Freezing Storage Co., Ltd. (Jinxiang Dongyun), Qingdao Saturn International Trade Co., Ltd. (Qingdao Saturn), Qufu Dongbao Import & Export Trade Co., Ltd. (Qufu Dongbao), and Shanghai LJ International Trading Co., Ltd. (Shanghai LJ), has also changed. For all changes to the calculations for Anqiu Friend, Weifang Shennong, and Yuanli, see the Issues and Decision Memorandum and the company-specific analysis memoranda.

With respect to the surrogate value for paper labels, information on the record indicates that the paper labels used by respondents appear to be a self-adhesive rectangular sheet, similar to the description of the Indian HTS #4811.41.00. Thus, in accordance with our surrogate value selection criteria, the Department finds that in this case the Indian HTS #4811.41.00 represents the best surrogate value based on the available information on the record and we have changed our surrogate value calculations accordingly. See Issues and Decision Memorandum at Comment 6. See also *Final Surrogate Values Memorandum*.

Lastly, following the methodologies established in the aforementioned *Per-Unit Memorandum* and consistent with the Department's practice, we are calculating per-unit cash deposit and assessment rates for the separate rate companies and companies that are part of the PRC-wide entity. See *Per-Unit Memorandum, Final Results of the Administrative Review of Fresh Garlic from the People's Republic of China: Separate Rate Companies and PRC-Wide Entity—Per-Unit Assessment Rates* (June 8, 2009), and Issues and Decision Memorandum at Comment 8. See also *Honey from the People's Republic of China: Final Results and Rescission, In Part, of Aligned Antidumping Duty Administrative Review and New Shipper Review*, 73 FR 42321 (July 21, 2008).

**Final Results of Reviews**

As a result of our reviews, we determine that the following margins exist for the period November 1, 2006 through October 31, 2007:

Manufacturer/Exporter	Weight-Averaged margin (percent)
<b>Fresh Garlic from the PRC 2006–2007 Administrative Review</b>	
Anqiu Friend Food Co., Ltd.	64.78
Weifang Shennong Foodstuff Co., Ltd .....	80.69
Jinxiang Dongyun Freezing Storage Co., Ltd .....	72.74
Qingdao Saturn International Trade Co., Ltd .....	72.74
Qufu Dongbao Import & Export Trade Co., Ltd .....	72.74
Shanghai LJ International Trading Co., Ltd .....	72.74
PRC-wide Rate .....	376.67
(see Appendix 2) .....	

Manufacturer/Exporter	Weight-Averaged margin (percent)
<b>Fresh Garlic from the PRC 2006–2007 New Shipper Review</b>	
Exported and Produced by Zhengzhou Yuanli Trading Co., Ltd .....	120.18

### Disclosure

We will disclose the calculations used in our analysis to parties to these proceedings within five days of the date of publication of this notice. See 19 CFR 351.224(b).

### Assessment Rates

Consistent with the final results of the 12th NSR review of Fresh Garlic from the PRC, we will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the POR. See *Fresh Garlic from the People's Republic of China: Final Results and Rescission, in Part, of Twelfth New Shipper Reviews*, 73 FR 56550, 56552 (September 29, 2008) (*12th NSR of Fresh Garlic from the PRC*). Therefore, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1). The Department will issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of this review. For assessment purposes, we calculated importer-specific assessment rates for fresh garlic from the PRC. Specifically, we divided the total dumping margins for each importer by the total quantity of subject merchandise sold to that importer during the POR to calculate a per-unit assessment amount. We will direct CBP to assess importer-specific assessment rates based on the resulting per-unit (*i.e.*, per kilogram) amount on each entry of the subject merchandise during the POR if any importer-specific assessment rate calculated in the final results of this review is above *de minimis*.

Moreover, as noted above, the Department is calculating per-unit cash deposit and assessment rates for separate rate companies and companies that are part of the PRC-wide entity. Using CBP data, we totaled the quantity and value of the entries made by the four separate rate companies to derive a weighted average unit value (AUV), which we then multiplied by the separate rate to calculate a per-unit assessment amount. For companies

determined to be part of the PRC-wide entity, the Department employed the methodology discussed above, except we calculated an AUV exclusive of entries from the two mandatory respondents and the four separate rate companies, and then multiplied the AUV by the PRC-wide rate.

### Cash Deposit Requirements

Consistent with the final results of the 12th NSR of *Fresh Garlic from the PRC*, we have established and will collect a per kilogram cash-deposit amount which will be the per-unit equivalent of the company-specific dumping margin published in the final results of these reviews. The following cash deposit requirements will be effective upon publication of the final results of these reviews for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(1) of the Act: (1) For subject merchandise exported by Anqiu Friend and exported by Weifang Shennong the cash deposit rates will be the per unit rates determined in the final results of the administrative review; (2) for subject merchandise produced and exported by Yuanli, the cash deposit rates will be the per unit rate determined in the final results of the new shipper review; (3) for subject merchandise exported by but not produced by Yuanli, the cash deposit rate will be the PRC-wide rate; (4) for subject merchandise exported by Jinxiang Dongyun, Qingdao Saturn, Qufu Dongbao, and Shanghai LJ, the cash deposit rates will be the per unit rates determined in the final results of the administrative review; (5) for previously-investigated or previously-reviewed PRC and non-PRC exporters who received a separate rate in a prior segment of the proceeding (which were not reviewed in this segment of the proceeding), the cash deposit rate will continue to be the rate assigned in that segment of the proceeding; (6) for subject merchandise exported by Haoshun, Ningjin, Chenhe, Greening and all other PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the per-unit PRC-wide rate; and (7) the cash deposit rate for non-PRC exporters of subject merchandise which have not received their own rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice 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 antidumping duties occurred and the subsequent assessment of double antidumping duties.

### Administrative Protective Orders

This notice also serves as a 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 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.

These administrative and new shipper reviews and notice are issued and published in accordance with sections 751(a)(1), 751(a)(2)(B), and 777(i) of the Act and 19 CFR 351.213 and 351.214.

Dated: June 8, 2009.

### Carole Showers,

*Acting Deputy Assistant Secretary for Policy and Negotiations.*

### Appendix 1

- Comment 1: Intermediate Input Methodology.
- Comment 2: Garlic Bulb Surrogate Value.
- Comment 3: Surrogate Financial Ratios.
- Comment 4: Timing of Petitioners' Surrogate Value Submission.
- Comment 5: Water Valuation.
- Comment 6: Paper Label Valuation.
- Comment 7: Yield Factor Valuation.
- Comment 8: Per Unit Assessment.
- Comment 9: Anqiu Friend's Affiliations.
- Comment 10: *Bona Fides* of New Shipper Companies.
- Comment 11: Rescission of Chenhe and Greening.

### Appendix 2

The following companies subject to this antidumping duty administrative review did not apply for a separate rate and thus have been assigned the PRC-wide rate for their imports of subject merchandise during the POR.

1. APS Qingdao.

2. American Pioneer Shipping.
3. Beijing Jim International Food Co., Ltd.
4. Burgeon International Inc.
5. Fujian Meitan Import & Export Xiamen Corporation.
6. Jining Meiya Foods Co., Ltd.
7. Jining Trans-High Trading Co., Ltd.
8. Jinxian County Huaguang Food Import & Export Co., Ltd.
9. Junan Auto Imp and Exp Co., Ltd.
10. Linyi Futai Foodstuff Co., Ltd.
11. Marnex (HongKong) Company.
12. New Future International Trading Co.
13. Omni Decor China Ltd.
14. Qingdao Rock-It Sports Inc.
15. Sea Trade International Incorporated.
16. Shandong Chengshun Farm Produce Trading Co., Ltd.
17. Shandong Chenhe Int'l Trading Co., Ltd.
18. Shandong Dongsheng Eastsun Foods Co., Ltd.
19. Shandong Garlic Company.
20. Shanghai New Long March International Trade Co., Ltd.
21. Shenzhen Greening Trading Co., Ltd.
22. Shenzhen Imp & Exp. Ltd.
23. T&S International, LLC.
24. Taiwan Wachine Co., Ltd.
25. Taizhou Overseas Int'l Ltd.

[FR Doc. E9-14358 Filed 6-18-09; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration (A-570-891)

#### Notice of Partial Rescission, Intent To Rescind and Extension of Preliminary Results of Antidumping Duty Administrative Review: Hand Trucks and Certain Parts Thereof From the People's Republic of China

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

**SUMMARY:** In response to requests from Gleason Industrial Products, Inc., and Precision Products, Inc. (collectively, petitioners), the U.S. Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China for the period December 1, 2007, through November 30, 2008. No other interested party requested a review for this period of review. For the reasons discussed below, the Department is partially

rescinding this administrative review with respect to two companies and intends to rescind the review with respect to a third company.

**EFFECTIVE DATES:** June 19, 2009.

**FOR FURTHER INFORMATION CONTACT:**

David Cordell or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0408 or (202) 482-0649 respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On December 1, 2008, the Department published in the Federal Register its notice of opportunity to request an administrative review of the antidumping duty order on hand trucks and certain parts thereof from the People's Republic of China. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 73 FR 72764 (December 1, 2008). On December 30, 2008, in accordance with 19 CFR 351.213(b)(1), petitioners requested that the Department conduct an administrative review for the following exporters of the subject merchandise: Qingdao Huatian Hand Truck Co., Ltd. (Huatian); True Potential Co., Ltd. (True Potential); Since Hardware (Guangzhou) Co., Ltd. (Since Hardware); and New-Tec Integration (Xiamen) Co., Ltd. (New-Tec).

On February 2, 2009, the Department published in the Federal Register a notice of the initiation of the antidumping duty administrative review of hand trucks from the PRC for the period December 1, 2007, through November 30, 2008, with respect to the four companies named above. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 74 FR 5821 (February 2, 2009) (*Initiation Notice*).

On February 19, 2009, the Department issued a memorandum indicating its intention to select mandatory respondents based upon U.S. Customs and Border Protection data for U.S. imports of hand trucks from the PRC during the POR. On February 13, 2009 petitioners provided comments to the Department in which they requested that the Department select Huatian and True Potential as mandatory respondents. On March 4, 2009, Huatian and True Potential both provided the Department with separate rate certifications, thereby meeting the 30-

day deadline for submission of such certifications as detailed in the *Initiation Notice*. On March 16, 2009, the Department determined that it was not practicable to examine individually all of the companies covered by the 2007-2008 administrative review. The Department stated it was limiting its examination to the largest producers/exporters that could reasonably be reviewed, pursuant to section 777A(c)(2)(B) of the Tariff Act of 1930, as amended (the Tariff Act). The Department selected Huatian and True Potential as the two respondents required to submit a full questionnaire response in the administrative review. *See* memorandum titled "Respondent Selection Memorandum: Antidumping Duty Administrative Review of Hand Trucks and Parts Thereof from the People's Republic of China" dated March 16, 2009.

Huatian and True Potential filed their section A responses on April 13, 2009 and their section C and D responses on April 28, 2009. On May 1, 2009, pursuant to 19 CFR 351.213(d)(1), petitioners withdrew their requests for review of Huatian and True Potential but did not withdraw the request with respect to Since Hardware and New-Tec.

On March 4, 2009, New-Tec provided certification that New-Tec did not ship to the United States any subject merchandise during the POR and requested the Department rescind the review with respect to New-Tec. On April 21, 2009, the Department's no shipments inquiry with respect to New-Tec was posted by CBP. *See* message number 9120201 dated April 21, 2009. The Department has received no information from that inquiry, and has found no evidence of shipments of subject merchandise to the United States by New-Tec of subject merchandise during the POR.

#### Rescission of Review

Section 351.213(d)(1) of the Department's regulations provide that the Department will rescind an administrative review if the party that requested the review withdraws its request for review within 90 days of the date of publication of the notice of initiation of the requested review, or withdraws at a later date if the Department determines that it is reasonable to extend the time limit for withdrawing the request. The Department initiated the administrative review of the antidumping duty order on February 2, 2009. Petitioners withdrew their request for review of Huatian and True Potential on May 1, 2009. As the party that requested this review has timely withdrawn the