

**Period of Review**

The period of review (POR) is January 30, 2008, through April 30, 2009.

**Scope of the Order**

The merchandise subject to this order is certain welded carbon quality light-walled steel pipe and tube, of rectangular (including square) cross section, having a wall thickness of less than 4 mm. The term carbon-quality steel includes both carbon steel and alloy steel which contains only small amounts of alloying elements. Specifically, the term carbon-quality includes products in which none of the elements listed below exceeds the quantity by weight respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent vanadium, or 0.15 percent of zirconium. The description of carbon-quality is intended to identify carbon-quality products within the scope. The welded carbon-quality rectangular pipe and tube subject to this order is currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7306.61.50.00 and 7306.61.70.60. While HTSUS subheadings are provided for convenience and CBP's customs purposes, our written description of the scope of the order is dispositive.

**Final Results of Review**

The Department has determined that the following margins exist for the period January 30, 2008, through April 30, 2009:

Manufacturer	Weighted Average Margin (percentage)
Tosçelik Profil Ve Sac Endustrisi A.S .....	0.00%

**Assessment Rates**

Pursuant to these final results, the Department has determined, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions for Tosçelik to CBP 15 days after the date of publication of these final results. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific (or customer-specific) *ad valorem* duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined

sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific (or customer-specific) assessment rate calculated in the final results of this review are above *de minimis*.

The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment of Antidumping Duties*). This clarification will apply to entries of subject merchandise during the POR produced by Tosçelik for which Tosçelik did not know the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate un-reviewed entries at the 27.04 percent all-others rate from the LTFV investigation if there is no company-specific rate for an intermediary involved in the transaction. *See Notice of Antidumping Duty Order: Light-Walled Rectangular Pipe and Tube From Turkey*, 73 FR 31065 (May 30, 2008). *See Assessment of Antidumping Duties* for a full discussion of this clarification.

**Cash Deposit Requirements**

Furthermore, the following deposit requirements will be effective upon publication of these final results for all shipments of light-walled rectangular pipe and tube from Turkey entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: 1) the cash deposit rate for Tosçelik Profil Ve Sac Endustrisi A.S. will be the rate established in the final results of review; 2) if the exporter is not a firm covered in this review or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and 3) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the all-others rate from the LTFV investigation. *Id.* These deposit requirements, when imposed, shall remain in effect until further notice.

**Reimbursement of Duties**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties

prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled 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(a)(3), 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 notice in accordance with sections 751(a)(1) and 777(i) of the Tariff Act.

Dated: September 27, 2010.

**Ronald K. Lorentzen,**  
*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-24831 Filed 10-1-10; 8:45 am]

**BILLING CODE 3510-DS-S**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-557-813]

**Polyethylene Retail Carrier Bags From Malaysia: Final Results of Antidumping Duty Administrative Review**

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

**SUMMARY:** On June 15, 2010, the Department published its preliminary results of the administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Malaysia. The review covers one manufacturer/exporter. The period of review is August 1, 2008, through July 31, 2009.

We gave interested parties an opportunity to comment on the preliminary results. We have made no changes to the margin calculation for the final results of this review. The final weighted-average margin is listed below in the "Final Results of the Review" section of this notice.

**DATES:** *Effective Date:* October 4, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Jerrold Freeman or Yang Chun, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0180 or (202) 482-5760, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

On June 15, 2010, the Department published the preliminary results of review and invited parties to comment. See *Polyethylene Retail Carrier Bags From Malaysia: Preliminary Results of Antidumping Duty Administrative Review*, 75 FR 33772 (June 15, 2010) (*Preliminary Results*). Although we received comments from interested parties, those comments are no longer on the record of the review. See "Return of Comments" section below.

We have conducted this review in accordance with section 751(a) of the Tariff Act, as amended (the Act).

**Scope of the Order**

The merchandise subject to the antidumping duty order is PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches (15.24 cm) but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, e.g., grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, e.g., garbage bags, lawn bags, trash-can liners.

Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the

Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

**Return of Comments**

On July 15, 2010, Target Corporation (Target), an importer of subject merchandise, filed a case brief. On July 16, 2010, Target filed a correction letter with respect to its July 15, 2010, case brief. On July 20, 2010, the petitioners<sup>1</sup> filed a rebuttal brief.

On August 4, 2010, we returned the July 15, 2010, case brief and July 16, 2010, correction letter to Target in accordance with 19 CFR 351.302(d) (see August 4, 2010, letter to Target). In our letter to Target, we stated that its case brief contained unsolicited and untimely new factual information and that we will not rely on the new factual information in the case brief and correction letter in making our final determination. See 19 CFR 351.104(a)(2). Accordingly, we provided Target an opportunity to refile its case brief omitting the new factual information. The deadline for Target to resubmit its case brief was August 10, 2010.

On August 5, 2010, we returned the July 20, 2010, rebuttal brief to the petitioners because in it they had referred to the new factual information Target raised improperly in its case brief and correction letter (see August 5, 2010, letter to the petitioners). In our letter, we provided the petitioners an opportunity to refile their rebuttal brief omitting the new factual information. The deadline for the petitioners to resubmit their rebuttal brief was August 11, 2010.

Target did not submit a revised case brief by the August 10 deadline. The petitioners did not submit a revised rebuttal brief by the August 11 deadline. See Memorandum to the File dated August 19, 2010.

**Changes Since the Preliminary Results**

Because the interested parties in this administrative review did not refile their respective case or rebuttal briefs, there are no comments to address concerning the Department's determination in the *Preliminary Results*. Therefore, we have made no changes to our determination to apply

<sup>1</sup> The Polyethylene Retail Carrier Bag Committee and its individual members, Hillex Poly Co., LLC, and Superbag Corporation.

adverse facts available, as discussed in the *Preliminary Results* (75 FR at 33773-74), to Euro Plastics Malaysia Sdn. Bhd. (Euro Plastics).

**Final Results of the Review**

As a result of our review, we determine that a weighted-average dumping margin of 101.74 percent exists for Euro Plastics for the period August 1, 2008, through July 31, 2009.

**Assessment Rates**

Because we are relying on total adverse facts available to establish the dumping margin for Euro Plastics, we will instruct U.S. Customs and Border Protection (CBP) to apply a dumping margin of 101.74 percent to all entries of PRCBs from Malaysia that were produced and/or exported by Euro Plastics and entered, or withdrawn from warehouse, for consumption during the period of review.

The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of these final results of review.

**Cash-Deposit Requirements**

The following cash-deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of PRCBs from Malaysia entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash-deposit rate for Euro Plastics will be 101.74 percent; (2) for other previously reviewed or investigated companies, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash-deposit rate will be 84.94 percent, the all-others rate established in the *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From Malaysia*, 69 FR 34128 (June 18, 2004). These deposit requirements shall remain in effect until further notice.

**Notification to Importers**

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant

entries during the period of review. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties. See 19 CFR 351.402(f)(3).

#### Notification Regarding APO

This notice also serves as a reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the APO itself. See also 19 CFR 351.305(a)(3). Timely written notification of the destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: September 27, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 2010-24837 Filed 10-1-10; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### Fresh Garlic From the People's Republic of China: Final Results of New Shipper Review

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

**SUMMARY:** The Department of Commerce (Department) is conducting a new shipper review (NSR) of Qingdao Sea-line Trading Co. Ltd. (Qingdao Sea-line) under the antidumping duty order on fresh garlic from the People's Republic of China (PRC) covering the period of review (POR) of November 1, 2008 through April 30, 2009. As discussed below, we determine that a sale has been made in the United States at a price below normal value (NV) with respect to Qingdao Sea-line, an exporter who participated fully and demonstrated its eligibility for separate rate. See *Fresh Garlic From the People's Republic of China: Preliminary Results of New Shipper Review*, 75 FR 24578 (May 5, 2010) (*Preliminary Results*). We

are continuing to find Qingdao Sea-line's sale to be *bona fide* for the final results of this review. 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:* October 4, 2010.

**FOR FURTHER INFORMATION CONTACT:** Scott Lindsay, 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.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 5, 2010, the Department published in the **Federal Register** the preliminary results of the NSR of the antidumping duty order on fresh garlic from the PRC. See *Preliminary Results*. Since the *Preliminary Results*, the following events have occurred.

On May 21, 2010, the Department extended the deadline for filing case briefs. See Letter from the Department to All Interested Parties (May 21, 2010). On July 19, 2010, Qingdao Sea-line submitted a document on the record of this review that contained new factual information within the meaning of 19 CFR 351.301(b)(4) and 19 CFR 351.301(c)(1). As a result, on July 23, 2010, the Department issued a letter to Qingdao Sea-line rejecting its July 19, 2010 submission. Also on July 23, 2010, the Department notified the parties of the briefing schedule for the final results. See Memorandum to the File, Antidumping Duty New Shipper Review of Fresh Garlic From the People's Republic of China: Briefing Schedule (July 23, 2010). On August 6, 2010, Qingdao Sea-line timely submitted its case brief and requested a hearing. On August 16, 2010, Petitioners<sup>1</sup> timely submitted their rebuttal brief.

On August 27, 2010, the Department placed on the record a memorandum indicating that, pursuant to a telephone discussion, Qingdao Sea-line was withdrawing its request for a hearing. See Memorandum to the File, Antidumping Duty New Shipper Review of Fresh Garlic From the People's Republic of China: Canceled Hearing Request (August 27, 2010).

<sup>1</sup> The Fresh Garlic Producers Association: Christopher Ranch L.L.C., the Garlic Company, Valley Garlic, and Vessey and Company, Inc. (collectively, Petitioners).

On September 3, 2010, as a result of the recent decision issued by the Court of Appeals for the Federal Circuit's (CAFC) ruling in *Dorbest Limited et al. v. United States*, 604 F.3d 1363 (Fed. Cir. 2010) (*Dorbest*), the Department placed a memorandum on the record regarding its reconsideration of its valuation of the labor wage rate for this review. The Department gave interested parties until September 15, 2010 to comment specifically to the proposed labor wage rate methodology. See Memorandum to the File, Fresh Garlic from the People's Republic of China: Wage Rate Data (September 3, 2010). The Department received no comments.

#### 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 the Appendix to this notice and addressed in the Memorandum from Susan Kuhbach, Acting Deputy