

Exporter	Weighted-average percentage margin
Linshu Dading Private Agricultural Products Co., Ltd.	25.95
Sunny Import & Export Limited	10.86
Taian Ziyang Food Co., Ltd.	179.06
Jining Trans-High Trading Co., Ltd.	0
Zhengzhou Harmoni Spice Co., Ltd.	18.97
PRC-wide rate*	376.67

* includes Jinxiang Hongyu and Storing Co., Ltd., Linyi Sanshan Import and Export Trading Co., Ltd. And Tancheng County Dexing Foods Co., Ltd.

Duty Assessment and Cash-Deposit Requirements

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of the final results of this review. For assessment purposes, we calculated importer-specific assessment rates for fresh garlic from the PRC. In order to be consistent, for these final results, we have applied the same assessment rate calculation methodology for all respondents.³ 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. In this and future reviews, 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.

Further, the following cash-deposit requirements will be effective upon publication of these final results of the administrative review for shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Dongyun, FHTK, Hongda, Jinan Yipin, Linshu Dading, Sunny, Ziyang, Trans-High, and Harmoni, the cash-deposit

³ In our *Preliminary Results*, for those respondents who reported an entered value, we divided the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each applicable importer to calculate an ad-valorem assessment rate. For respondents who did not report an entered value for their sales, 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.

rate will be that established in these final results of review; (2) for all other 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 376.67 percent; (3) for all non-PRC exporters of subject merchandise, the cash-deposit rate will be the rate applicable to the PRC supplier of that exporter. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

Cash Deposits Resulting from Subsequent Review Segments

For subsequent review segments, we will establish and collect a per-kilogram cash-deposit amount which will be equivalent to the company-specific dumping margin published in those future reviews. Specifically, the following deposit requirement will be effective upon completion of subsequent review segments of this proceeding 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)(2)(C) of the Act: (1) for subject merchandise exported by reviewed respondents, the per-kilogram cash-deposit rate will be the total amount of dumping margins calculated for the POR divided by the total quantity sold during the POR; (2) for all other 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 376.67 percent; (3) for all non-PRC exporters of subject merchandise, the cash-deposit rate will be the rate applicable to the PRC exporter who supplied that exporter.

Notification of Interested Parties

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 the review period. Pursuant to 19 CFR 351.402(f)(3) 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.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the administrative protective order itself. 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 the terms of an APO is a sanctionable violation.

These final results of administrative review and notice are issued and published in accordance with sections 751(a)(3) and 777(i) of the Act.

Dated: June 6, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

Appendix 1

Decision Memorandum

1. Intermediate Input Methodology
2. Valuation of Garlic Seed
3. Valuation of Water
4. Valuation of Leased Land
5. Surrogate Financial Ratios
6. Valuation of Garlic Sprouts
7. Valuation of Cartons
8. Valuation of Plastic Jars and Lids
9. Valuation of Attachment Clips
10. Valuation of Cold Storage
11. Valuation of Ocean Freight
12. Calculation of Surrogate Wage Rate

Company Specific Issues

13. Correct Calculation of CEP Profit
14. Use of Most Up-To-Date Information
15. Clerical and Programming Errors
16. Educational Meetings and Other Non-Used Information on the Record
17. Partial Facts Available

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DEPARTMENT OF COMMERCE

International Trade Administration

(A-351-840)

Postponement of Preliminary Determination of Antidumping Duty Investigation: Certain Orange Juice from Brazil

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

SUMMARY: The Department of Commerce is postponing the preliminary duty determination in the antidumping duty investigation of certain orange juice from Brazil from June 27, 2005, until no later than August 16, 2005. This postponement is made pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act).

EFFECTIVE DATE: June 13, 2005.

FOR FURTHER INFORMATION CONTACT: Elizabeth Eastwood or Jill Pollack at (202) 482-3874 or (202) 482-4593, respectively, Import Administration, International Trade Administration,

U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230.

SUPPLEMENTARY INFORMATION:

Postponement of Due Date for Preliminary Determination

On February 7, 2005, the Department initiated an antidumping duty investigation of imports of certain orange juice from Brazil. *See Notice of Initiation of Antidumping Duty Investigation: Certain Orange Juice from Brazil*, 70 FR 7233 (Feb. 11, 2005). The notice of initiation stated that we would issue our preliminary determination no later than 140 days after the date of initiation. *See Id.* Currently, the preliminary determination in this investigation is due on June 27, 2005.

On June 2, 2005, the petitioners made a timely request pursuant to 19 CFR 351.205(e) for a 50-day postponement, pursuant to section 733(c)(1)(A) of the Act. The petitioners stated that a postponement of this preliminary determination is necessary in order to permit the Department and the petitioners to fully analyze the information that has been submitted in this investigation and to analyze cost information that will be submitted shortly. The petitioners also noted that the postponement will permit the Department to seek additional information from respondents prior to the preliminary determination.

Under section 733(c)(1)(A) of the Act, if the petitioner makes a timely request for an extension of the period within which the preliminary determination must be made under subsection (b)(1), then the Department may postpone making the preliminary determination under subsection (b)(1) until not later than the 190th day after the date on which the administering authority initiated the investigation. Therefore, for the reasons identified by the petitioners and because there are no compelling reasons to deny the request, the Department is postponing the preliminary determination in this investigation until August 16, 2005, which is 190 days from the date on which the Department initiated this investigation.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f).

Dated: June 7, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

International Trade Administration, North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of panel.

SUMMARY: On June 7, 2005 the binational panel issued its decision in the review of the injury determination made by the International Trade Commission, respecting Hard Red Spring Wheat from Canada Final Injury Determination, Secretariat File No. USA-CDA-2003-1904-06. The binational panel remanded the decision to the Commission with one partial dissenting opinion. Copies of the panel decision are available from the U.S. Section of the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

Panel Decision: The panel remanded the International Trade Commission's final injury determination respecting Hard Red Spring Wheat from Canada with one partial dissenting opinion. The panel remanded the opinion as follows:

1. Explain why record evidence regarding pre- and post-petition prices

is not sufficient to rebut the statutory presumption of 19 U.S.C. 1677(7)(I), insofar as post-petition price data is concerned. If the Commission finds that such information is sufficient to rebut the presumption, then it must make a new determination on all factors that gives full weight to the evidence previously discounted.

2. Explain how post-petition volume and price data were factored into the Commission's final determination and provide analysis that gives such data some weight, rather than no weight, in its determination. If the Commission finds that either category of evidence is not discounted, then it must make a new determination that gives such undiscounted evidence full weight in its analysis of the relevant factor.

3. Explain how instances of underselling caused adverse trends in price or industry performance in the domestic industry.

4. Analyze how increased volumes of the subject imports caused the domestic industry to suffer depressed prices taking into account all contradictory evidence and render a new determination based on the analysis.

5. Provide a new analysis of the impact of subject imports on the domestic industry, explaining and analyzing (a) how fluctuating yields may leave the domestic industry vulnerable as a result of price depression of the subject imports, (b) how yield fluctuations were accounted for, and (c) why yields per acre and farm prices are the most relevant factors in determining the financial state of the domestic industry.

6. Provide detail as to which prices have been used by the Commission in its analysis and whether prices have been used that are not at the level of sales to domestic milling operations. Having regard to the substantial evidence requirements discussed above, if prices that are not at the level of sales to domestic milling operations have been used, the Commission must explain how such prices show sales in competition with sales of imports at the same level of trade, or how they have been adjusted to reflect the same trade level as imports. If price comparisons could not be made at the same level of trade, the Commission must explain what link exists between prices at the different levels that supports the conclusions of the Commission. If some prices chosen do not involve comparisons at the same level of trade and cannot be adjusted, the Commission is instructed to reject them and reconsider its analysis of price underselling.