

rebutts, clarifies, or corrects information recently placed on the record.<sup>2</sup>

Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of this administrative review. See 19 CFR 351.309(c)(ii). Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than five days after the deadline for submitting the case briefs. See 19 CFR 351.309(d). The Department requests that interested parties provide an executive summary of each argument contained within the case briefs and rebuttal briefs.

Any interested party may request a hearing within 30 days of publication of these preliminary results. See 19 CFR 351.310(c). Requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If we receive a request for a hearing, we plan to hold the hearing seven days after the deadline for submission of the rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Department intends to issue the final results of this administrative review, which will include the results of its analysis raised in any such comments, within 120 days of publication of this preliminary result, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon completion of the final results, pursuant to 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries on an *ad valorem* basis. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review. If these preliminary results are adopted in our final results of review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries. Pursuant to 19 CFR 351.212(b)(1), we will calculate importer-specific (or customer) duty assessment rates. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific

assessment rate calculated in the final results of this is above *de minimis*, i.e., less than 0.50 percent.

#### Cash-Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of subject merchandise from Itochu 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 subject merchandise exported by Itochu, no deposit will be required; (2) for companies previously found to be entitled to a separate rate in a prior segment of the proceeding, and for which no review has been requested, the cash deposit rate will continue to be the rate established in the most recent review of that company; (3) for all other PRC exporters, the cash deposit rate will be 51.74 percent, the PRC country-wide *ad valorem* rate; and (4) for non-PRC exporters of subject merchandise from the PRC to the United States, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Importers

This notice serves as a preliminary 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 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 double antidumping duties.

We are issuing and publishing this determination in accordance with sections 751(a)(1) and 777(i) of the Act, and 351.221(b)(4).

Dated: June 23, 2009.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

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

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

**SUMMARY:** The Department of Commerce (the "Department") has determined that a request for a new shipper review of the antidumping duty order on fresh garlic from the People's Republic of China ("PRC"), received on May 21, 2009, meets the statutory and regulatory requirements for initiation. The period of review ("POR") of this new shipper review is November 1, 2008 through April 30, 2009.

**DATES:** *Effective Date:* June 30, 2009.

**FOR FURTHER INFORMATION CONTACT:** Martha Douthit, 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) 482-5050.

#### SUPPLEMENTARY INFORMATION:

##### Background

The notice announcing the antidumping duty order on fresh garlic from the PRC was published on November 16, 1994. See *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994) ("Order"). On May 21, 2009, we received a timely request for a new shipper review from Qingdao Sea-line International Trading Co., Ltd. ("Sea-line") in accordance with 19 CFR 351.214(c) and 351.214(d)(2). Sea-line has certified that it is the exporter of all of the fresh garlic it exported to the United States, which is the basis for its request for a new shipper review.

Pursuant to the requirements set forth in 19 CFR 351.214(b)(2)(ii), in its request for a new shipper review, Sea-line, as an exporter, certified that (1) It did not export fresh garlic to the United States during the period of investigation ("POI"); (2) since the initiation of the investigation, it has never been affiliated with any company that exported subject merchandise to the United States during the POI, including any exporter or producer not individually examined during the investigation; and (3) its export activities are not controlled by the central government of the PRC. In addition, Jinxiang County Juxinyuan Trading Co., Ltd. ("Juxinyuan

<sup>2</sup> See *Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Final Rescission*, in Part 72 FR 58809 (October 17, 2007), and accompanying Issues and Decision Memorandum at Comment 2.

Trading”), the producer of the subject merchandise, certified that it did not export the subject merchandise to the United States during the POI. In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Sea-line certified that, since the initiation of the investigation, it has never been affiliated with any Chinese exporter or producer who exported steel nails to the United States during the POI, including those not individually examined during the investigation has not been affiliated with. In accordance with 19 CFR 351.214(b)(2)(iv), Sea-line submitted documentation establishing the following: (1) The date on which it first shipped fresh garlic for export to the United States and the date on which fresh garlic were first entered, or withdrawn from warehouse, for consumption; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

#### Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the “Act”) and 19 CFR 351.214(d)(1), we find that the request submitted by Sea-line meets the threshold requirements for initiation of a new shipper review for shipments of fresh garlic from the PRC, exported by Sea-line and produced by Juxinyuan Trading. See Memorandum to the File through Barbara E. Tillman, Director, AD/CVD Operations, Office 6, *Fresh Garlic from the People’s Republic of China: Initiation of Antidumping New Shipper Review*, dated concurrently with this notice. See 19 CFR 351.214(g)(1)(i)(B).

The Department will conduct this review according to the deadlines set forth in section 751(a)(2)(B)(iv) of the Act. It is the Department’s usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company’s export activities. Accordingly, we will issue a questionnaire to Sea-line, which will include a separate rate section. The review will proceed if the response provides sufficient indication that Sea-line is not subject to either *de jure* or *de facto* government control with respect to its export of fresh garlic.

On August 17, 2006, the Pension Protection Act of 2006, Public Law 109–280, (“H.R. 4”), was signed into law. Section 1632 of H.R. 4 temporarily suspended the authority of the Department to instruct U.S. Customs

and Border Protection to collect a bond or other security in lieu of a cash deposit in new shipper reviews initiated during the period April 1, 2006 through June 30, 2009. Therefore, the posting of a bond or other security under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of fresh garlic, exported by Sea-line, must continue to post a cash deposit of estimated antidumping duties on each entry of subject merchandise at the per unit PRC-wide rate.

Interested parties requiring access to proprietary information in this new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: June 24, 2009.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–580–810]

#### Certain Welded Stainless Steel Pipes From the Republic of Korea: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On December 24, 2008, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on certain welded stainless steel pipes (WSSP) from the Republic of Korea. The review was requested by Bristol Metals LLC (domestic interested party), and covers one producer of the subject merchandise, SeAH Steel Corporation (SeAH). The period of review (POR) is December 1, 2006 through November 30, 2007. Based on our analysis of the comments received, we have made changes to the preliminary results, which are discussed in the “Changes Since the Preliminary Results” section below. For the final dumping margin, see the “Final Results of Review” section below.

**DATES:** *Effective Date:* June 30, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Myrna Lobo, 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) 482–2371.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 24, 2008, the Department published in the **Federal Register** the preliminary results of the administrative review of the antidumping duty order on WSSP from the Republic of Korea. See *Certain Welded Stainless Steel Pipes from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review*, 73 FR 79050 (December 24, 2008) (*Preliminary Results*). In the preliminary results, the Department explained it intended to solicit quarterly pipe cost of production (COP) and constructed value (CV) information from SeAH after the preliminary results. On January 15, 2009, the Department issued a supplemental section D questionnaire requesting the quarterly cost information. On January 26, 2009, SeAH submitted its response. After evaluating the information, on April 29, 2009, the Department issued its preliminary decision to adjust the COP and CV information. See Memorandum from Gina Lee, Senior Accountant to Neal M. Halper, Director, Office of Accounting, *Proposed Adjustments to the Cost of Production and Constructed Value Information—SeAH Steel Corporation* dated April 29, 2009.

The Department conducted sales and cost verifications of SeAH in Seoul, South Korea in February 2009 and March 2009, and a sales verification of SeAH’s U.S. affiliate, Pusan Pipe America (PPA) in April 2009. See the “Verification” section below for additional information.

On April 2, 2009, the Department extended the deadline for the final results from April 23, 2009 to June 22, 2009. See *Welded ASTM A–312 Stainless Steel Pipe From South Korea: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review*, 74 FR 14959 (April 2, 2009).

The Department invited parties to comment on the *Preliminary Results*, the preliminary decision to adjust COP and CV information, and the verification reports. On May 4, 2009, the Department extended the deadlines for case briefs and rebuttal briefs. On May 11, 2009, the domestic interested party and respondent filed timely case briefs.