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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-831]

#### Fresh Garlic From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review; 2015-2016

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (the Department) is initiating a new shipper review (NSR) with respect to Zhengzhou Yudi Shengjin Agricultural Trade Co. Ltd. ("Zhengzhou Yudi") in the context of the antidumping duty order on Fresh Garlic from the People's Republic of China (PRC). The period of review (POR) is November 1, 2015, through October 31, 2016.

**DATES:** Effective January 3, 2017.

**FOR FURTHER INFORMATION CONTACT:** Chien-Min Yang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-5484.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Department published the antidumping duty order on fresh garlic from the PRC in the *Federal Register* on November 16, 1994.<sup>1</sup> On November 15, 2016, the Department received a timely request for a NSR from Zhengzhou Yudi.<sup>2</sup> Zhengzhou Yudi certified that it is the exporter and producer of the fresh garlic upon which the request for a NSR is based.<sup>3</sup> Pursuant to section

751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Zhengzhou Yudi certified that it did not export fresh garlic for sale to the United States during the period of investigation (POI).<sup>4</sup> Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Zhengzhou Yudi certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.<sup>5</sup> Further, as required by 19 CFR 351.214(b)(2)(iii)(B), it certified that its export activities are not controlled by the central government of the PRC.<sup>6</sup> Zhengzhou Yudi also certified it had no shipments of subject merchandise subsequent to the POR.<sup>7</sup>

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Zhengzhou Yudi submitted documentation establishing the following: (1) The date of its first sale to an unaffiliated customer in the United States; (2) the date on which the fresh garlic was first entered; and (3) the volume of that shipment.<sup>8</sup>

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that the shipment reported by Zhengzhou Yudi had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which the Department examined was consistent with that provided by Zhengzhou Yudi in its request.<sup>9</sup>

##### Period of Review

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the twelve-month period ending with the end of the anniversary month, the Secretary will initiate a NSR in the

calendar month immediately following the anniversary month. Further, 19 CFR 315.214(g)(1)(i)(A) states that if the NSR was initiated in the month immediately following the anniversary month, the POR will be twelve-month period immediately preceding the anniversary month. Zhengzhou Yudi made the request for a NSR, that included all documents and information required by the statute and regulations, within one year of the date on which its fresh garlic first entered. Its request was filed in November, which is the anniversary month of the order. Therefore, the POR is November 1, 2015, through October 31, 2016.<sup>10</sup>

##### Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that Zhengzhou Yudi's request meets the threshold requirements for initiation of a NSR for shipments of fresh garlic from the PRC produced and exported by Zhengzhou Yudi, and, therefore, is initiating a NSR of Zhengzhou Yudi. Absent a determination that the new shipper review is extraordinarily complicated, the Department intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.<sup>11</sup> If the information supplied by Zhengzhou Yudi is found to be incorrect or insufficient during the course of this proceeding, the Department may rescind the review for Zhengzhou Yudi or apply facts available pursuant to section 776 of the Act, depending on the facts on the record.

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 (*i.e.*, a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.<sup>12</sup> Accordingly, the Department will issue questionnaires to Zhengzhou Yudi, which will include a section requesting

<sup>4</sup> *Id.* at Exhibit 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at page 3-4.

<sup>8</sup> *Id.* at Exhibit 2.

<sup>9</sup> See Memorandum to the File from Chien-Min Yang, "New Shipper Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: Customs Entries from November 1, 2015, to October 31, 2016," dated December 16, 2016.

<sup>10</sup> See 19 CFR 351.214(g)(1)(i)(A).

<sup>11</sup> See section 751(a)(2)(B)(iv) of the Act.

<sup>12</sup> See Import Administration Policy Bulletin, Number: 05.1. (<http://ia.ita.doc.gov/policy/bull05-1.pdf>).

<sup>1</sup> See *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994).

<sup>2</sup> See Zhengzhou Yudi's request for a NSR dated November 15, 2016.

<sup>3</sup> *Id.* at 1 and at Exhibit 1.

information with regard to its export activities for the purpose of establishing its eligibility for a separate rate. The review will proceed if the responses provide sufficient indication that Zhengzhou Yudi is not subject to either *de jure* or *de facto* government control with respect to its exports of fresh garlic from the PRC.

On February 24, 2016, the President signed into law the “Trade Facilitation and Trade Enforcement Act of 2015,” H.R. 644, which made several amendments to section 751(a)(2)(B) of the Act. We will conduct this new shipper review in accordance with section 751(a)(2)(B) of the Act, as amended by the Trade Facilitation and Trade Enforcement Act of 2015.<sup>13</sup>

Interested parties requiring access to proprietary information in this proceeding 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: December 27, 2016.

**Christian Marsh,**

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

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-009]

#### Calcium Hypochlorite From the People's Republic of China: Preliminary Intent To Rescind the New Shipper Review of Haixing Jingmei Chemical Products Sales Co., Ltd.

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** In response to a November 20, 2015, request from Haixing Jingmei Chemical Products Sales Co., Ltd. (“Jingmei”), and the producer of its merchandise, Haixing Eno Chemical Co., Ltd. (“Eno”), the Department of Commerce (“Department”) is conducting a new shipper review of Jingmei, regarding the countervailing duty order on calcium hypochlorite from the People's Republic of China

<sup>13</sup> The Trade Facilitation and Trade Enforcement Act of 2015 removed from section 751(a)(2)(B) of the Act the provision directing the Department to instruct Customs and Border Protection to allow an importer the option of posting a bond or security in lieu of a cash deposit during the pendency of a new shipper review.

(“PRC”). The period of review (“POR”) is May 27, 2014, through December 31, 2015. The Department preliminarily determines to rescind this review because we requested but were not provided sufficient information to determine whether, and conclude that, Jingmei's sale of subject merchandise to the United States was *bona fide*. Interested parties are invited to comment on this preliminary intent to rescind.

**DATES:** Effective January 3, 2017.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Lobaugh, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482-7425.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 4, 2016, the Department published notice of initiation of a new shipper review of calcium hypochlorite from the PRC for the period May 27, 2014, through December 31, 2015.<sup>1</sup> On July 12, 2016, the Department extended the deadline for the preliminary results to December 27, 2016.<sup>2</sup>

##### Scope of the Order

The merchandise covered by the Order is calcium hypochlorite, regardless of form (*e.g.*, powder, tablet (compressed), crystalline (granular), or in liquid solution), whether or not blended with other materials, containing at least 10% available chlorine measured by actual weight. Calcium hypochlorite is currently classifiable under the subheading 2828.10.0000 of the Harmonized Tariff Schedule of the United States.<sup>3</sup>

<sup>1</sup> See *Calcium Hypochlorite from the People's Republic of China: Initiation of Countervailing Duty New Shipper Review; 2014-2015*, 81 FR 11516 (March 4, 2016) (“Initiation”).

<sup>2</sup> See Memorandum to the File through James C. Doyle, Director, Office V, to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations “Extension of Deadline for Preliminary Results of Countervailing Duty New Shipper Review; 2014-2015” (November 5, 2015).

<sup>3</sup> See Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations “Decision Memorandum for the Preliminary Results of the Countervailing Duty New Shipper Review of Calcium Hypochlorite from the People's Republic of China: Haixing Jingmei Chemical Products Sales Co., Ltd.” dated concurrently with and hereby adopted by this notice (“Preliminary Decision Memorandum”) for a complete description of the Scope of the Order.

#### Methodology

The Department is conducting this review in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (“the Act”) and 19 CFR 351.214. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (“ACCESS”). ACCESS is available to registered users at <http://access.trade.gov> and in the Department's Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Preliminary Intent To Rescind Jingmei New Shipper Review

Section 751(a)(2)(B)(iv) of the Act requires that a countervailing duty rate determined in a new shipper review be determined based solely on *bona fide* sales. For the reasons detailed in the Preliminary Decision Memorandum and the *Bona Fide* Sales Analysis Memorandum,<sup>4</sup> the Department preliminarily finds that, as a result of Jingmei's customers' failure to provide necessary information, we cannot determine whether, and conclude that, Jingmei's sale under review is *bona fide*. As a result, the Department preliminarily intends to rescind the new shipper review of Jingmei.

#### Public Comment

Interested parties may submit written comments by no later than 30 days after the date of publication of these preliminary results of review.<sup>5</sup> Rebuttals, limited to issues raised in the written comments, may be filed by no

<sup>4</sup> See Memorandum to James Doyle, Director, Office V, Antidumping and Countervailing Duty Operations, through Catherine Bertrand, Program Manager, Office V, Antidumping and Countervailing Duty Operations, from Elizabeth Lobaugh, International Trade Analyst, titled “*Bona Fide* Nature of the Sale in the Countervailing Duty New Shipper Review of Calcium Hypochlorite from the People's Republic of China: Haixing Jingmei Chemical Products Sales Co., Ltd.” dated concurrently with this notice.

<sup>5</sup> See 19 CFR 351.309(c).