

final results of reviews were originally scheduled for June 8, 2040.

### Extension of Time Limit for Final Results of Antidumping Duty Administrative Reviews

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to issue the final results of an antidumping duty annual review within 120 days of the date on which the preliminary results are published. If the Department concludes that it is not practicable to issue the results by the original deadline, it may extend the 120-day period to 180 days. Completion of the final results of these reviews within this 120-day period is not practicable because of the large number of respondents and the complexity of the issues raised in these reviews. Therefore, we are extending the time period for issuing the final results of the review by 60 days, until August 9, 2004.

This notice is published in accordance with section 751(a)(3)(A) of the Act and § 351.213(h)(2) of the Department's regulations.

Dated: April 27, 2004.

**Jeffrey May,**

*Deputy Assistant Secretary for AD/CVD Enforcement.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-830]

### Notice of the Final Results of Changed Circumstances Review and Revocation of the Antidumping Order: Coumarin from the People's Republic of China

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

**SUMMARY:** On January 26, 2004, the Department of Commerce published a notice of preliminary results of changed circumstances review and intent to revoke the antidumping duty order (69 FR 3543). We are now revoking this order effective February 1, 2003. The basis of the revocation is that Rhodia, Inc., which is the current name of Rhone-Poulenc, the petitioner in original investigation and the sole U.S. producer of coumarin, ceased production during 2002.

**EFFECTIVE DATE:** May 3, 2004.

**FOR FURTHER INFORMATION CONTACT:** Scott Lindsay or Addilyn Chams-Eddine at (202) 482-0780 or (202) 482-0648, respectively; Office of AD/CVD Enforcement Group VII, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

### SUPPLEMENTARY INFORMATION:

#### Background

On February 9, 1995, the Department published in the **Federal Register** the antidumping duty order on coumarin from the PRC. See *Notice of Antidumping Order: Coumarin from the People's Republic of China*, 60 FR 7751. On June 23, 2003, Berjé Incorporated (Berjé), a U.S. importer of subject merchandise and an interested party in this proceeding, requested that the Department conduct a changed circumstances review for the purpose of revoking the antidumping duty order on coumarin from the PRC. According to Berjé, Rhone-Poulenc Specialty Chemicals Company (Rhone-Poulenc), the petitioner, was the only domestic coumarin producer at the time of the original investigation. Berjé also indicated that since the original investigation, Rhone-Poulenc had changed its company name and now does business under the name Rhodia, Inc. (Rhodia) and that Rhodia remained the only producer of coumarin in the United States. Berjé informed the Department that Rhodia, in a press release dated November 28, 2001, announced its intent to cease production of coumarin in 2002. Berjé provided further information obtained from Rhodia indicating that Rhodia no longer produces coumarin in the United States.

Based on Berjé's June 23, 2003 submission, the Department initiated this changed circumstances review on July 31, 2003. See *Notice of Initiation of Changed Circumstances Review and Consideration of Revocation of the Antidumping Duty Order: Coumarin From the People's Republic of China*, 68 FR 46579 (*Initiation*). On August 26, 2003, Rhodia submitted comments on the initiation of this changed circumstances review. Also on August 26, 2003, H. Reynaud & Fils USA Co. (H. Reynaud), an importer of the subject merchandise, submitted comments regarding the effective date of the revocation of the order. No other parties commented on our Initiation.

On January 26, 2004, we published *Coumarin From the People's Republic of China: Preliminary Results of Changed Circumstances Review and Intent to Revoke the Antidumping Order*, 69 FR 3543 (*Preliminary Results*). In the *Preliminary Results* we announced our intent to revoke the antidumping order on Coumarin from the PRC, effective February 1, 2003. Both Berjé and H.

Reynaud submitted comments on the *Preliminary Results* on February 25, 2004. H. Reynaud submitted rebuttal comments on March 1, 2004. We have addressed the comments of the parties in the *Issues and Decision Memo*, which is on file in the Central Records Unit, room B-099 of the main Commerce Building. In addition, a complete version of the *Issues and Decision Memo* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Issues and Decision Memo* are identical in content.

#### Scope of the Antidumping Duty Order

The product covered by this order is coumarin. Coumarin is an aroma chemical with the chemical formula (C<sub>9</sub>H<sub>6</sub>O<sub>2</sub>) that is also known by other names, including 2H-1-benzopyran-2-one, 1, 2-benzopyrone, cis-o-coumaric acid lactone, coumarinic anhydride, 2-Oxo-1, 2-benzopyran, 5, 6-benzo-alpha-pyrone, ortho-hydroxyc innamic acid lactone, cis-ortho-coumaric acid anhydride, and tonka bean camphor.

All forms and variations of coumarin are included within the scope of the order, such as coumarin in crystal, flake, or powder form, and "crude" or unrefined coumarin (*i.e.*, prior to purification or crystallization). Excluded from the scope of this order are ethylcoumarins (C<sub>11</sub>H<sub>10</sub>O<sub>2</sub>) and methylcoumarins (C<sub>10</sub>H<sub>8</sub>O<sub>2</sub>). Coumarin is classifiable under subheading 2932.21.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

#### Final Results of Changed Circumstances Review and Revocation of the Antidumping Duty Order

In the Preliminary Results, we indicated our intent to revoke the antidumping order on coumarin from the PRC, effective February 1, 2003. We have considered the comments of the parties and we determine that February 1, 2003, is still the appropriate date on which to make the revocation of the antidumping order on coumarin effective. See *Issues and Decision Memo*.

#### Instructions to the Customs Service

In accordance with section 351.222 of the Department's regulations, the Department will instruct U.S. Customs and Border Protection (CBP) to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, all unliquidated entries of coumarin from the PRC,

entered, or withdrawn from warehouse, for consumption on or after February 1, 2003, the effective date of the revocation of the order. The Department will further instruct CBP to refund with interest any estimated duties collected with respect to unliquidated entries of coumarin from the PRC entered, or withdrawn from warehouse, for consumption on or after February 1, 2003, in accordance with section 778 of the Act.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with section 351.306 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 regulations and terms of an APO is a sanctionable violation.

This notice of final results of changed circumstances review and revocation of the antidumping duty order is in accordance with sections 751(b) and (d), and 777(i)(1) of the Act and 351.216(d) and 351.222(g) of the Department's regulations.

Dated: April 26, 2004.

**James J. Jochum,**

*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: Preliminary Results of Antidumping Duty New Shipper Reviews**

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

**ACTION:** Notice of preliminary results of antidumping duty new shipper reviews.

**SUMMARY:** In response to requests from interested parties, the Department of Commerce is conducting new shipper reviews of the antidumping duty order on fresh garlic from the People's Republic of China. The period of review is November 1, 2002, through April 30, 2003. The reviews cover six manufacturers/exporters.

We preliminarily determine that Shanghai Ever Rich Trade Company, Linshu Dading Private Agricultural

Products Co., Ltd., Sunny Imp & Exp Limited, and Taian Ziyang Food Co., Ltd., have not made sales in the United States at prices below normal value. We preliminarily determine that Jinxiang Dong Yun Freezing Storage Co., Ltd., has made sales in the United States at prices below normal value. We have also preliminarily determined that, based on the use of adverse facts available, Linyi Sanshan Import & Export Trading Co., Ltd., sold subject merchandise to the United States at prices below normal value.

We invite interested parties to comment on these preliminary results. Parties who submit comments are requested to submit with each argument a statement of the issue and a brief summary of the argument.

**EFFECTIVE DATE:** May 3, 2004.

#### **FOR FURTHER INFORMATION CONTACT:**

Minoo Hatten or Mark Ross, Office of Antidumping/Countervailing Duty Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-1690 or (202) 482-4794, respectively.

#### **Background**

On July 7, 2003, we published in the **Federal Register** the *Notice of Initiation of New Shipper Antidumping Duty Reviews* (68 FR 40242) in which we initiated new shipper reviews of the antidumping duty order on fresh garlic from the People's Republic of China for Jinxiang Dong Yun Freezing Storage Co., Ltd. (Dong Yun), Shanghai Ever Rich Trade Company (Ever Rich), Linshu Dading Private Agricultural Products Co., Ltd. (Linshu Dading), Linyi Sanshan Import & Export Trading Co., Ltd. (Linyi Sanshan), Sunny Imp & Exp Limited (Sunny), Tancheng County Dexing Foods Co., Ltd. (Tancheng), and Taian Ziyang Food Co., Ltd. (Ziyang). On April 20, 2004, we issued a notice rescinding the new shipper review of Tancheng.

On December 19, 2003, we extended the deadline for the issuance of the preliminary results of the new shipper reviews by 120 days until April 25, 2004 (68 FR 70764).

#### **Scope of the Order**

The products subject to the antidumping duty 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, the written description of the scope of this proceeding is dispositive. In order to be excluded from the antidumping duty 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 U.S. Customs and Border Protection (CPB) to that effect.

#### **Verification**

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), we verified information provided by respondents using standard verification procedures, including on-site inspection of the producers' facilities, the examination of relevant sales and financial records, and the selection of original documentation containing relevant information. Our verification results for Linshu Dading and Linyi Sanshan are outlined in the public versions of the verification reports, which are on file in the Central Records Unit (CRU), Room B-099 of the main Department of Commerce building. With respect to Dong Yun, Ever Rich, Sunny, and Ziyang, the verifications took place recently and, therefore, the reports are still pending completion and are not yet on file. We will issue the reports shortly after the issuance of these preliminary results of review and interested parties can comment on the applicability of the verification findings to our calculations.

#### **Separate Rates**

The Department of Commerce (the Department) has treated the PRC as a