

Comment 2: Financial Statements

Comment 3: Financial Ratios

Comment 4: New NME Wage Rate

Comment 5: Zeroing

Comment 6: Exchange Rates

## II. ISSUES SPECIFIC TO GUANHAO

Comment 7: Separate Rate Eligibility

Comment 8: Vertical Integration

Comment 9: Base Paper Surrogate Value

## III. ISSUES SPECIFIC TO HANHONG

Comment 10: Coated Jumbo Rolls

Surrogate Value

Comment 11: Invoice Date

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

#### Certain Preserved Mushrooms From the People's Republic of China: Notice of Initiation of Antidumping Duty New Shipper Reviews

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

**SUMMARY:** The Department of Commerce (the Department) has received two requests for new shipper reviews of the antidumping duty order on certain preserved mushrooms from the People's Republic of China (PRC). *See Notice of Antidumping Duty order: Certain Preserved Mushrooms from the People's Republic of China*, 64 FR 8310 (February 19, 1999). In accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the Tariff Act), and 19 CFR 351.214(d) (2008), we are initiating antidumping duty new shipper reviews of Zhejiang Iceman Group Co., Ltd. (Zhejiang Iceman) and Zhangzhou Gangchang Foods Co., Ltd. (Zhangzhou Gangchang). The period of review (POR) of these new shipper reviews is February 1, 2008, through July 31, 2008.

**DATES:** *Effective Date:* October 2, 2008.

**FOR FURTHER INFORMATION CONTACT:** Tyler Weinhold or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-1121 or (202) 482-0649, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 19, 1999, the Department published the antidumping duty order on certain preserved mushrooms from the PRC. *See Notice of Amendment of Final Determination of Sales at Less*

*Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms From the People's Republic of China*, 64 FR 8308 (February 19, 1999). Thus, the antidumping duty order on certain preserved mushrooms has a February anniversary month and a semiannual anniversary month of August. The Department received a request for new shipper reviews from Zhangzhou Gangchang and Zhejiang Iceman on August 29, 2008. *See* August 29, 2008, letter from Zhangzhou Gangchang to the Secretary of Commerce requesting a new shipper review; and August 29, 2008, letter from Zhejiang Iceman to the Secretary of Commerce requesting a new shipper review. Therefore, pursuant to 19 CFR 351.214(d), Zhangzhou Gangchang and Zhejiang Iceman both made their requests during the semiannual anniversary month.

Pursuant to section 751(a)(2)(B)(i) of the Tariff Act and 19 CFR 351.214(b), Zhangzhou Gangchang certified that it is both an exporter and producer of the subject merchandise, and that it did not export subject merchandise to the United States during the period of the investigation (POI) (July 1, 1997, through December 31, 1997). *See* section 751(a)(2)(B)(i)(I) of the Tariff Act and 19 CFR 351.214(b)(2)(i). Likewise, Zhejiang Iceman certified that it is both an exporter and producer of the subject merchandise, and that it did not export subject merchandise to the United States during the POI. *Id.* Pursuant to section 751(a)(2)(B)(i)(II) of the Tariff Act and 19 CFR 351.214(b)(2)(iii)(A), Zhangzhou Gangchang and Zhejiang Iceman both certified that since the investigation was initiated, they have not been affiliated with any producer or exporter who exported the subject merchandise to the United States during the POI. Because these new shipper reviews involve imports from a non-market economy country, in accordance with 19 CFR 351.214(b)(2)(iii)(B), Zhangzhou Gangchang and Zhejiang Iceman also certified that their export activities are not controlled by the central government. Pursuant to 19 CFR 351.214(b)(2)(iv), Zhangzhou Gangchang and Zhejiang Iceman also submitted documentation establishing the date on which they first shipped the subject merchandise to the United States, the volume of that shipment, and the date of their first sale to an unaffiliated customer in the United States. Zhangzhou Gangchang and Zhejiang Iceman also certified they had no shipments to the United States during the period subsequent to their first shipments.

The Department conducted a Customs database query in an attempt to confirm

that Zhangzhou Gangchang's and Zhejiang Iceman's shipments of subject merchandise entered the United States for consumption and that liquidation of such entries had been suspended for antidumping duties. *See* September 26, 2008, Zhangzhou Gangchang New Shipper Review Initiation Checklist, question 18; and Zhejiang Iceman New Shipper Review Initiation Checklist, question 18. The Department also examined whether U.S. Customs and Border Protection (CBP) confirmed that such entries were made during the new shipper review POR.

#### Initiation of Review

Based on information on the record and in accordance with section 751(a)(2)(B) of the Act and section 351.214(d) of the Department's regulations, we find that the requests Zhangzhou Gangchang and Zhejiang Iceman submitted meet the statutory and regulatory requirements for initiation of a new shipper review. Accordingly, we are initiating new shipper reviews of the antidumping duty order on certain preserved mushrooms from the People's Republic of China manufactured and exported by Zhangzhou Gangchang and Zhejiang Iceman. These reviews cover the period February 1, 2008 through July 31, 2008. We intend to issue the preliminary results of these reviews no later than 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. *See* section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(h)(i).

In cases involving non-market economies, the Department requires 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. *See Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China*, 61 FR 19026, 19027 (April 30, 1996).

Accordingly, we will issue questionnaires to Zhangzhou Gangchang and Zhejiang Iceman, each of which will include a separate rates section. These reviews will proceed if the responses provide sufficient indication that Zhangzhou Gangchang and Zhejiang Iceman are not subject to either *de jure* or *de facto* government control with respect to its exports of preserved mushrooms. However, if either Zhangzhou Gangchang or Zhejiang Iceman do not demonstrate eligibility for a separate rates, then the respective company will be deemed not separate

from other companies that exported during the POI and the new shipper review will be rescinded as to the company.

On August 17, 2006, the Pension Protection Act of 2006 (H.R. 4) was signed into law. Section 1632 of H.R. 4 temporarily suspends the authority of the Department to instruct CBP to collect a bond or other security in lieu of a cash deposit in new shipper reviews. Therefore, the posting of a bond under section 751(a)(2)(B)(iii) of the Act in lieu of a cash deposit is not available in this case. Importers of certain preserved mushrooms manufactured and exported by Zhangzhou Gangchang and Zhejiang Iceman must continue to pay a cash deposit of estimated antidumping duties on each entry of subject merchandise (i.e., certain preserved mushrooms) at the current PRC-wide rate of 198.63 percent.

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and this notice are issued and published in accordance with section 751(a)(2)(B) of the Act and sections 351.214 and 351.221(c)(1)(i) of the Department's regulations.

Dated: September 26, 2008.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-884]

#### **Certain Color Television Receivers From the People's Republic of China: Rescission of Antidumping Duty Administrative Review**

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

**SUMMARY:** In response to a request from petitioner Five Rivers Electronic Innovations, LLC, ("Five Rivers" or "petitioner"), the Department of Commerce ("the Department") initiated an administrative review of the antidumping duty order on certain color television receivers ("CTVs") from the People's Republic of China ("PRC"). See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 44220 (July 30, 2008). This

administrative review covers the June 1, 2007, through May 31, 2008 period of review ("POR"). Due to the withdrawal of the request for the administrative review by Five Rivers for all companies for which it requested a review, we are now rescinding this review, pursuant to 19 CFR 351.213(d)(1).

**DATES:** *Effective Date:* October 2, 2008.

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

Karine Gziryan or Zhulieta Willbrand, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4081 or (202) 482-3147, respectively.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On June 25, 2004, the Department published in the **Federal Register** the amended antidumping duty order on certain color television receivers from the PRC. See *Notice of Amended Antidumping Duty Order: Certain Color Television Receivers from the People's Republic of China*, 69 FR 35583 (June 25, 2004) ("Order"). On June 9, 2008, the Department published a notice of "Opportunity to Request an Administrative Review" of the Order for the POR. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 73 FR 32557, 32558 (June 9, 2008). On June 26, 2008, the petitioner requested that the Department conduct an administrative review of sales of merchandise by the following 13 companies: Haier Electric Appliances International Co., Hisense Import and Export Co., Ltd., Konka Group Company, Ltd., Philips Consumer Electronics Co. of Suzhou Ltd., Shenzhen Chaungwei-RGB Electronics Co., Ltd., Sichuan Changhong Electric Co., Ltd., Starlight International Holdings, Ltd., Star Light Electronics Co., Ltd., Star Fair Electronics Co., Ltd., Starlight Marketing Development Ltd., SVA Group Co., Ltd., TCL Holding Company Ltd., and Xiamen Overseas Chinese Electronic Co., Ltd. In response to this request, the Department published the initiation of the antidumping duty administrative review on certain color television receivers from the PRC on July 30, 2008. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part*, 73 FR 44220, 44221 (July 30, 2008). No other party requested a review.

On August 18, 2008, TCL Multimedia Technology Holdings Ltd., a PRC producer of subject merchandise, and its wholly-owned U.S. subsidiary, TTE Technology, Inc., a U.S. importer of subject merchandise, (collectively, "TCL"), submitted a letter in which it claimed that the subject merchandise it entered for consumption during the review period was re-exported to Canada and not sold within the United States to unaffiliated customers. For this reason, it requested that the Department rescind the review with respect to TCL and liquidate TCL's entries during the review period without regard to antidumping duties. TCL repeated its request on September 23, 2008.

On August 21, 2008, Xiamen Overseas Chinese Electronic Co., Ltd. ("Xiamen") provided a submission in which it alleged that this administrative review should be terminated because the review request was not made by a domestic interested party as required by the Department's regulations. According to Xiamen, the petitioner filed for bankruptcy in October 2004, and has not produced CTVs in the United States in nearly two years. Since the petitioner did not produce CTVs during the review period, Xiamen argued that it is not entitled to request an administrative review of this order.

On September 17, 2008, petitioner withdrew its request of review of all companies for which it requested review.

#### **Rescission of the Administrative Review**

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review under this section, in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. Petitioner withdrew its requests for review for all companies within the 90-day time limit. No other company had requested a review of these or any other companies. Therefore, in response to the withdrawal of requests for administrative reviews by petitioner, the Department hereby rescinds the administrative review of the antidumping duty order on certain color television receivers from the PRC for the period June 1, 2007, through May 31, 2008, for all 13 companies listed above. For companies that have a separate rate, the Department intends to issue assessment instructions to the U.S. Customs and Border Protection ("CBP") 15 days after the date of publication of this notice. Since this is a full rescission of the administrative review, we will also issue liquidation instructions for