

these proceedings are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. The Department will issue the final results of this administrative review, including the results of our analysis of the issues raised in any such written comments or at a hearing, within 120 days of publication of these preliminary results.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will calculate assessment rates for the merchandise based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the total quantity (in kilograms) of the sales used to calculate those duties. This rate will be assessed uniformly on all entries of merchandise of that manufacturer/exporter made during the POR. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of the review.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of flanges from India entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or any previous reviews, the cash deposit rate will be 162.14 percent, the "all others" rate established in the LTFV investigation (59 FR 5994, February 9, 1994).

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding

the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. 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 notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 28, 2003.

**Faryar Shirzad,**

*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; Notice of Amended Final Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of Amended Final Results of Antidumping Duty Administrative Review.

**SUMMARY:** On January 30, 2003, the Department of Commerce published the final results of an administrative review of the antidumping duty order on fresh garlic from the People's Republic of China. The period of review is November 1, 2000, through October 31, 2001. The petitioners requested the correction of two ministerial errors with respect to the final results of review for Taian Fook Huat Tong Kee Pte. Ltd. Based on the correction of these two ministerial errors, we have concluded that this company's sale was *bona fide* and that the two corrections do not result in a change to the calculation of the final weighted-average margin for this company.

**EFFECTIVE DATE:** March 10, 2003.

**FOR FURTHER INFORMATION CONTACT:** Edythe Artman, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-3931.

**SUPPLEMENTARY INFORMATION:**

## Background

On January 30, 2003, the Department of Commerce (the Department) published the final results of an administrative review of the antidumping duty order on fresh garlic from the People's Republic of China in the **Federal Register**. See *Fresh Garlic from the People's Republic of China; Final Results of Antidumping Duty Administrative Review and Rescission of Administrative Review in Part* (68 FR 4758).

On January 29, 2003, the petitioners, the Fresh Garlic Producers Association and its individual members, filed an allegation of two ministerial errors in the final results of review with respect to the respondent company Taian Fook Huat Tong Kee Pte. Ltd. (FHTK). FHTK did not file comments on the allegations.

### Allegation of Ministerial Errors

In its January 29, 2003, submission, the petitioners alleged that the Department made two ministerial errors in its January 21, 2003, final results analysis memorandum (Final Results Analysis Memorandum) regarding the calculation of FHTK's margin. First, the petitioners asserted that the Department erred in the amount it listed as the quantity of subject merchandise sold by FHTK. Second, they asserted that the Department erred in its statement of FHTK's reported sales price by stating the price as a per-kilogram amount instead of as a per-pound amount. The petitioners claimed that, because of this error, the Department had improperly dismissed their argument concerning the *bona fides* of FHTK's sale. Specifically, the petitioners claimed that the Department's conclusion that FHTK's price was not unreasonably high when compared to the average export price for Chinese garlic exported to the United States at the time of the sale was not supported by the price comparison that the Department explained in its Final Results Analysis Memorandum since the Department stated the FHTK price incorrectly. The petitioners requested that the Department revise its analysis using the correct price, conclude that the transaction in question was not a *bona fide* commercial sale, and issue amended final results in this review.

We have reviewed the record and agree that the quantity sold and the sales price were stated incorrectly in the Final Results Analysis Memorandum. By correcting the sales price, we find that the price was higher than the average export prices for Chinese garlic exported to the United States that we

examined in our final results of review. Thus, we have reconsidered our analysis of whether FHTK's sale was *bona fide*.

In determining whether a transaction is *bona fide* for purposes of an antidumping review, the Department will typically consider the totality of circumstances surrounding a sale rather than a single circumstance, such as price. *See Fresh Garlic from the People's Republic of China: Final Results of Antidumping Administrative Review and Rescission of New Shipper Review*, 67 FR 11283 (March 13, 2002), and accompanying Issues and Decision Memorandum (*Clipper Rescission*); *Notice of Final Results of Antidumping Duty New Shipper Review: Certain In-Shell Raw Pistachios from Iran*, 68 FR 353 (January 3, 2003), and accompanying Issues and Decision Memorandum; and *Freshwater Crawfish Tail Meat from the People's Republic of China: Notice of Final Results of Antidumping Duty New Shipper Review, and Final Rescission of Antidumping Duty New Shipper Review*, 68 FR 1439 (January 10, 2003), and accompanying Issues and Decision Memorandum. We have reviewed the totality of circumstances surrounding FHTK's sale and have found that the transaction was a *bona fide* sale. Specifically, we found that, in light of average monthly U.S. import values for the subject merchandise during the period of review (POR), FHTK's price was not unreasonably high nor did the price provided a basis for determining that the sale was not commercially reasonable. In addition, we analyzed U.S. Customs Service data and found that the quantity involved in FHTK's transaction was not dissimilar to the quantity of other entries of subject merchandise during the POR and that the quantity was therefore commercially reasonable. We found that no information of record caused us to question the *bona fides* of FHTK or its customer as legitimate, historically commercial enterprises. Finally, we reviewed the record and confirmed that the terms of sale between FHTK and its customer were typical of the commercial selling practices of other exporters of the subject merchandise. For a detailed discussion of our review of the circumstances of FHTK's sale, see the "Memorandum to Faryar Shirzad from Susan Kuhbach" regarding the analysis of ministerial error comments (February 21, 2003), on file in the Central Records Unit, Main Commerce Building, Room B-099.

### Amended Final Results of Review

Because correction of the two ministerial errors in the Final Results Analysis Memorandum does not result in a change of the calculation of the final margin for FHTK, the weighted-average margin remains 0.00 percent for this company.

We are issuing and publishing this determination and notice in accordance with sections 751(h) and 777(i)(1) of the Act.

Dated: March 3, 2003.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-806]

#### Silicon Metal from the People's Republic of China: Notice of Preliminary Results of Antidumping Duty Administrative Review

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

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review for Groupstars Chemical Co., Ltd. (Shandong) (Groupstars) under the antidumping duty order on silicon metal from the People's Republic of China (PRC). The period of review (POR) is from June 1, 2001 through May 31, 2002.

Groupstars did not respond to the Department's antidumping questionnaire. Accordingly, we have applied adverse facts available (AFA) in determining Groupstars' margin. If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess antidumping duties. Interested parties are invited to comment on these preliminary results. See the "Preliminary Results of Review" section of this notice.

**EFFECTIVE DATE:** March 10, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Christian Hughes or Matthew Renkey, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482-0190 and (202) 482-2312, respectively.

#### SUPPLEMENTARY INFORMATION:

### Background

The Department published in the **Federal Register** an antidumping duty order on silicon metal from the PRC on June 10, 1991. *See Antidumping Duty Order: Silicon Metal from the People's Republic of China*, 56 FR 26649 (June 10, 1991). On June 21, 2002, Groupstars, a Chinese exporter of silicon metal, submitted a timely request for the Department to conduct an administrative review for the period June 1, 2001 through May 31, 2002. On July 18, 2002, the Department initiated an administrative review covering the period June 1, 2001 through May 31, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 67 FR 48435 (July 24, 2002). On August 21, 2002, the Department sent Groupstars the standard non-market-economy antidumping questionnaire. The deadline for responding to the questionnaire was September 27, 2002. As of October 18, 2002, the Department still had not received a response from Groupstars, or a letter requesting an extension of the deadline. *See Memorandum to File through Maureen Flannery, Program Manager, from Matthew Renkey, Analyst: Status of Questionnaire Response: Silicon Metal from the People's Republic of China (PRC), Administrative Review 6/1/01-5/31/02*, dated October 18, 2002.

On October 30, 2002, the Department received a letter from counsel for Groupstars informing us that they were withdrawing from representation of Groupstars because they were also unsuccessful in eliciting a response from the company regarding the substantive nature of this case.

#### Scope of the Antidumping Duty Order

The product covered by the order consists of silicon metal containing at least 96.00 but less than 99.99 percent of silicon by weight, and silicon metal with a higher aluminum content containing between 89 and 96 percent silicon by weight.

The merchandise is currently classifiable under item numbers 2804.69.10 and 2804.69.50 of the *Harmonized Tariff Schedule of the United States* (HTSUS) as a chemical product, but is commonly referred to as a metal. Semiconductor-grade silicon (silicon metal containing by weight not less than 99.99 percent of silicon and provided for in subheading 2804.61.00 of the HTSUS) is not subject to this order. This order is not limited to silicon metal used only as an alloy agent or in the chemical industry. Although the HTSUS subheading is provided for