

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of light-walled rectangular pipe and tube from Mexico. CBP shall require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as indicated in the chart above. These instructions suspending liquidation will remain in effect until further notice.

This amended determination is issued and published pursuant to section 735(e) of the Act.

Dated: July 24, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-851]

Certain Preserved Mushrooms from the People's Republic of China: Final Results of the Antidumping Duty New Shipper Review

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

SUMMARY: On May 23, 2008, the Department of Commerce ("Department") published in the *Federal Register* the preliminary results of the new shipper review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC") for Dujiangyan Xingda Foodstuff Co., Ltd. ("Xingda"). See *Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of the Antidumping Duty New Shipper Review*, 73 FR 30054 (May 23, 2008) ("Preliminary Results"). We gave interested parties an opportunity to comment on the *Preliminary Results*, but we did not receive any comments. Therefore, we made no changes to the dumping margin calculations for these final results.

EFFECTIVE DATE: August 5, 2008.

FOR FURTHER INFORMATION CONTACT: Zev Primor at (202) 482-4114; AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Case History

The *Preliminary Results* for this administrative review were published on May 23, 2008. In the *Preliminary Results*, the Department stated that interested parties were to submit case briefs within 30 days of publication of the preliminary results and rebuttal briefs within five days after the time limit for filing case briefs. No interested party submitted a case or rebuttal brief.

Verification

The Department did not conduct verification in this new shipper review.

Hearing

No party requested a hearing for this new shipper review.

Period of Review

The period of review ("POR") covers February 1, 2007, through July 31, 2007.

Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Certain Preserved Mushrooms" refers to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including, but not limited to, cans or glass jars in a suitable liquid medium, including, but not limited to, water, brine, butter or butter sauce. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.¹

Excluded from the scope of this order are the following: (1) All other species of mushroom, including straw mushrooms; (2) all fresh and chilled mushrooms, including "refrigerated" or "quick blanched mushrooms" (3) dried mushrooms; (4) frozen mushrooms; and (5) "marinated," "acidified," or

¹ On June 19, 2000, the Department affirmed that "marinated," "acidified," or "pickled" mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. See Recommendation Memorandum—Final Ruling of Request by Tak Fat, *et al.* for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China," dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit. See *Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).

"pickled" mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

The merchandise subject to this order is classifiable under subheadings: 2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 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 order is dispositive.

Separate Rates

In proceedings involving non-market ("NME") countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

In the *Preliminary Results*, we found that Xingda demonstrated its eligibility for separate rate status. We received no comments from interested parties regarding Xingda's separate rate status. In these final results of review, we continue to find that the evidence placed on the record of this review by Xingda demonstrates an absence of government control, both in law and in fact, with respect to Xingda's exports of the merchandise under review. Thus, we have determined that Xingda is eligible to receive a separate rate.

Analysis of Comments Received

No interested parties submitted comments for these final results.

Changes Since the Preliminary Results

We made no changes to the *Preliminary Results*.

Combination Rate

In new shipper reviews, the Department may, pursuant to 19 CFR 351.107(b), establish a combination cash deposit rate for each combination of the exporter and its supplying producer(s). See *Fresh Garlic from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review*, 67 FR 72139 at 72140 (December 4, 2002), *Notice of Final Results of Antidumping Duty New Shipper Review: Certain In-Shell Raw Pistachios from Iran*, 68 FR 353 at 354 (January 3, 2003), and *Certain Forged Stainless Steel*

Flanges from India: Final Results of Antidumping Duty New Shipper Review, 68 FR 351 (January 3, 2002). The Department has determined that a combination rate is appropriate in this case, as Xingda is both the producer and exporter of the subject merchandise. Therefore, the Department will include in its cash deposit instructions to CBP appropriate language to enforce these final results of new shipper review on the basis of a combination rate involving Xingda as both the producer and exporter of the subject merchandise.

Final Results of Review

The Department has determined that the following margin exists during the period February 1, 2007, through July 31, 2007:

Exporter/Manufacturer	Weighted-Average Margin (Percentage)
Dujiangyan Xingda Foodstuff Co., Ltd.	0.00

Assessment Rates

Pursuant to these final results, the Department determined, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions for Xingda to CBP 15 days after the date of publication of these final results of new shipper review. Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific (or customer) ad valorem duty assessment rates based on the ratio of the total amount of the dumping margins calculated for the examined sales to the total entered value of those same sales. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review if any importer-specific (or customer) assessment rate calculated in the final results of this review is above de minimis.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of these final results of the new shipper review for all shipments of subject merchandise by Xingda entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Tariff Act of 1930, as amended (the "Act"): (1) for subject merchandise produced and exported by Xingda, no cash deposit will be required; (2) for subject merchandise exported by Xingda, but not manufactured by Xingda, the cash deposit rate will continue to be the PRC-wide rate (*i.e.*,

198.63 percent); and (3) for subject merchandise manufactured by Xingda, but exported by any party other than Xingda, the cash deposit rate will be the rate applicable to the exporter. These cash deposit requirements will remain in effect until further notice.

Reimbursement of Duties

This notice also serves as a final 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 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 doubled antidumping duties.

Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders ("APO") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. 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 violation which is subject to sanction.

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act and 19 CFR 351.214(h).

Dated: July 29, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-201-836, A-570-914, A-580-859]

Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value

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

SUMMARY: Based on affirmative final determinations by the Department of Commerce (the Department) and the International Trade Commission (the Commission), the Department is issuing antidumping duty orders on light-walled rectangular pipe and tube from Mexico, the People's Republic of China (the PRC), and the Republic of Korea (Korea). On July 28, 2008, the Commission notified the Department of its affirmative determination of material injury to a U.S. industry and its negative determination of critical circumstances. *See Light-Walled Rectangular Pipe and Tube from China, Korea and Mexico* (Investigation Nos. 731-TA-1118-1120 (Final), USITC Publication 4024, July 2008).

EFFECTIVE DATE: August 5, 2008.

FOR FURTHER INFORMATION CONTACT:

Patrick Edwards (Mexico), Jeffrey Pedersen (the PRC), or Mark Flessner (Korea), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; tel.: (202) 482-8029, (202) 482-2769, or (202) 482-6312, respectively.

SUPPLEMENTARY INFORMATION:

Background

On June 24, 2008, the Department published its final determinations of sales at less-than-fair-value in the antidumping duty investigations of light-walled rectangular pipe and tube from Korea, Mexico and the PRC. *See Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from the Republic of Korea*, 73 FR 35655 (Korea Final Determination); *Notice of Final Determination of Sales at Less Than Fair Value: Light-Walled Rectangular Pipe and Tube from Mexico*, 73 FR 35649; and *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical*