

establishing the following revised weighted-average dumping margins:

Company	Amended final determination 10/01/98–03/31/99
Jilin Henghe Pharmaceutical Co. Shandong Xinhua Pharmaceutical Co., Ltd.	1.27 percent ( <i>de minimis</i> ). 6.42 percent.

The “PRC-wide Rate” was not affected by the *Final Results of Redetermination* and remains at 144.02 percent as determined in the LTFV *Final Determination*.

The Department will issue appraisal instructions directly to U.S. Customs and Border Protection (“CBP”). The Department will instruct CBP to liquidate entries from Jilin, without regard to antidumping duties, because Jilin is excluded from the antidumping duty order, effective September 30, 2002, the date on which the Department published a notice of the Court decision (*see Bulk Aspirin from the People’s Republic of China: Notice of Court Decision and Suspension of Liquidation*, 67 FR 61315 (September 30, 2002)).

This notice is issued and published in accordance with section 751(a)(1) of the Act.

Dated: December 19, 2003.

**James J. Jochum,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03–32071 Filed 12–29–03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration (A-570–831)

#### **Fresh Garlic from the People’s Republic of China: Final Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd.**

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

**ACTION:** Notice of Final Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd.

**SUMMARY:** On September 26, 2003, the Department of Commerce published the preliminary results of the new shipper review of the antidumping duty order on fresh garlic from the People’s Republic of China. The period of review is November 1, 2001, through October 31, 2002. The new shipper review

initially covered three producers/exporters of subject merchandise. The Department issued a separate notice of preliminary results of the new shipper review for Xiangcheng Yisheng Foodstuffs Co., Ltd. (“Yisheng”). Accordingly, this notice pertains solely to the final results of review for Yisheng. The notice of final results of the review applicable to the other two producers/exporters is due April 8, 2004.

We invited interested parties to comment on our preliminary results. Based on our analysis of the comments received, we have made no changes to our preliminary determination that, based on the use of adverse facts available, the respondent sold subject merchandise to the United States at prices below normal value. The final dumping margin for Yisheng is listed in the “Final Results of Review” section below.

**EFFECTIVE DATE:** December 30, 2003.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Frank or Minoo Hatten, Office of AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Room 4203, Washington, DC 20230; telephone (202) 482–0090 or (202) 482–1690, respectively.

#### **SUPPLEMENTARY INFORMATION:**

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

The products covered by this 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, our written description of the scope of this order 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 (“Customs”) to that effect.

#### **Background**

The Department of Commerce (“Department”) is conducting this review of Yisheng in accordance with section 751(a)(2)(B) of the Tariff Act of 1930, as amended (“the Act”). On September 26, 2003, the Department published the preliminary results of the new shipper review of the antidumping duty order on fresh garlic from the People’s Republic of China with respect to Yisheng. See *Fresh Garlic from the People’s Republic of China: Preliminary Results of Antidumping Duty New Shipper Review for Xiangcheng Yisheng Foodstuffs Co., Ltd.*, 68 FR 55583 (“*Preliminary Results*”). We invited parties to comment on that *Preliminary Results*. We received comments from Yisheng and rebuttal comments from the petitioners, the Fresh Garlic Producers Association<sup>1</sup> and its individual members. On November 5, 2003, we held a hearing during which the parties presented their comments.

#### **Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties to the new shipper review are addressed in the “Issues and Decision Memorandum for Final Results of the New Shipper Review of the Antidumping Duty Order of Fresh Garlic from the People’s Republic of China” from Jeff May to James J. Jochum (December 22, 2003) (“Decision Memo”), which is hereby adopted by this notice. A list of the issues which parties raised and to which we respond in the Decision Memo is attached to this notice as an Appendix. The Decision Memo is a public document and is on file in the Central Records Unit, Main Commerce Building, Room B-099, and is accessible on the Web at [www.ia.ita.doc.gov](http://www.ia.ita.doc.gov).

#### **Separate Rates**

In the *Preliminary Results*, the Department established that Yisheng is

<sup>1</sup> The members of the Fresh Garlic Producers Association are Christopher Ranch LLC, Farm Gate LLC, The Garlic Company, Spice World, Inc., and Vessey and Company, Inc.