

the rates certified by the Federal Reserve Bank.

### Preliminary Results of Review

We preliminarily determine that the weighted-average dumping margin for MS Galati during the period November 1, 2005, through October 31, 2006, is 11.02 percent.

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties calculations performed in connection with these preliminary results within five days of the date of publication of this notice. Any interested party may request a hearing within 30 days of publication of this notice. If requested, a hearing will be held at the main Department building. We will notify parties of the exact date, time, and place for any such hearing.

Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. Case briefs from interested parties may be filed no later than 30 days after publication of this notice. See 19 CFR 351.309(c)(1)(ii). Rebuttal briefs, limited to the issues raised in case briefs, may be submitted no later than five days after the deadline for filing case briefs. See 19 CFR 351.309(d). Parties who submit case or rebuttal briefs in this proceeding are requested to submit with each argument a statement of the issue and a brief summary of the argument with an electronic version included.

The Department will publish a notice of final results of this administrative review, which will include the results of its analysis of issues raised in the case briefs, within 120 days from the date of publication of these preliminary results.

### Assessment Rate

The Department will determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate. The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. We intend to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review. See 19 CFR 351.212(b)(1).

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (Assessment-Policy Notice). This clarification will apply to entries of

subject merchandise during the period of review produced by MS Galati for which MS Galati did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the 17.84 percent all-others rate if there is no rate for the intermediary involved in the transaction. See the Assessment-Policy Notice for a full discussion of this clarification.

### Cash-Deposit Requirements

The following cash-deposit rates will be effective upon publication of the final results of this review for all shipments of certain hot-rolled carbon steel flat products from Romania entered, or withdrawn from warehouse, for consumption on or after publication date, as provided by section 751(a)(2)(C) of the Act: (1) For MS Galati, the cash-deposit rate will be the rate established in the final results of this review; (2) for previously reviewed or investigated companies not covered in this review, the cash-deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original antidumping duty investigation but the manufacturer is, the cash-deposit rate will be the rate established in the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous administrative review or in the original less-than-fair-value investigation, the cash-deposit rate will be 17.84 percent, the "All Others" rate made effective on June 14, 2005. See *Certain Hot-Rolled Carbon Steel Flat Products From Romania: Final Results of Antidumping Duty Administrative Review*, 70 FR 34448 (June 14, 2005).

These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

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 the 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.

This notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 2, 2007.

**David M. Spooner**,  
Assistant Secretary for Import  
Administration.

[FR Doc. E7-15573 Filed 8-8-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-557-813]

### Polyethylene Retail Carrier Bags from Malaysia: Final Results of Antidumping Duty Administrative Review

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

**SUMMARY:** On May 10, 2007, the Department of Commerce published the preliminary results of the administrative review of the antidumping duty order on polyethylene retail carrier bags (PRCBs) from Malaysia. The review covers exports of this merchandise to the United States by Euro Plastics Malaysia Sdn. Bhd. (Euro Plastics) for the period of review August 1, 2005, through July 31, 2006. We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of the comments and the revised cost information we received from Euro Plastics, we have made changes in the margin calculation for the final results of this review. The final weighted-average margin is listed below in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** August 9, 2007.

**FOR FURTHER INFORMATION CONTACT:** Yang Jin Chun at (202) 482-5760 or Richard Rimlinger at (202) 482-4477, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

### SUPPLEMENTARY INFORMATION:

#### Background

On May 10, 2007, the Department of Commerce (the Department) published the preliminary results of review and invited parties to comment. See *Polyethylene Retail Carrier Bags from Malaysia: Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 26600 (May 10, 2007) (*Preliminary Results*). On June 11, 2007, Euro Plastics filed a case brief in which the company alleged two ministerial errors in the calculation. The

petitioners<sup>1</sup> did not file a case or rebuttal brief.

### Scope of the Order

The merchandise subject to this antidumping duty order is PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches (15.24 cm) but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, e.g., grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the order excludes (1) polyethylene bags that are not printed with logos or store names and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, e.g., garbage bags, lawn bags, trash-can liners.

Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0085 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the order. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

### Sales Below Cost in the Home Market

The Department conducted an investigation to determine whether Euro Plastics made home-market sales at prices below the cost of production. See *Preliminary Results*, 72 FR at 26601. As a result of its investigation, the Department disregarded certain below-cost home-market sales for the preliminary results. As discussed below, Euro Plastics has submitted a more

recent financial statement since we published the *Preliminary Results*. The Department has incorporated this financial statement into its below-cost analysis and continues to find that Euro Plastics made sales below cost during the period of review. Therefore, in accordance with section 773(b)(1) of the Tariff Act of 1930, as amended (the Act), the Department has disregarded certain below-cost home-market sales for these final results.

### Changes Since the Preliminary Results

For the preliminary results, we used Euro Plastics's cost data based on its audited 2005 financial statement because its audited 2006 financial statement was not available. Because the period of review covers five months in 2005 and seven months in 2006, we stated our intent to use Euro Plastics's cost data based on its audited 2006 financial statement once the audited 2006 financial statement became available. See *Preliminary Results*, 72 FR at 26601-02. On June 4, 2007, Euro Plastics submitted its general and administrative expense rate and net interest expense rate based on its audited 2006 financial statement. See Euro Plastics's June 4, 2007, supplemental cost information, Exhibits 3 and 4. We used Euro Plastics's revised cost data to re-calculate its general and administrative expense and net interest expense.

In its case brief, Euro Plastics identified two clerical errors. We agree with Euro Plastics that we made two inadvertent computer-code errors in the preliminary antidumping-duty margin calculation for Euro Plastics and have corrected them for the final results. For more details, see the Euro Plastics final analysis memorandum dated August 2, 2007.

### Final Results of Review

As a result of our review, we determine that a margin of 0.00 percent exists for Euro Plastics for the period of review August 1, 2005, through July 31, 2006.

### Assessment Rates

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we will issue importer-specific assessment instructions for entries of subject merchandise during the period of review. The Department will issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review. See also section 751(a)(2)(C) of the Act.

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by Euro Plastics for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

### Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of PRCBs entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) the cash-deposit rate for Euro Plastics will be 0.00 percent; (2) for previously investigated companies not listed above, the cash-deposit rate will continue to be the company-specific rate published in the *Notice of Final Determination of Sales at Less Than Fair Value: Polyethylene Retail Carrier Bags From Malaysia*, 69 FR 34128, 34129 (June 18, 2004) (*Final Determination*); (3) if the exporter is not a firm covered in this review or the less-than-fair-value investigation but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash-deposit rate will be 84.94 percent, the "all others" rate for this proceeding published in the *Final Determination*. *Id.* These deposit requirements shall remain in effect until further notice.

### Notification to Importers

This notice 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 review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

<sup>1</sup> The Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC, and Superbag Corporation.

### Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO as explained in the APO itself. See also 19 CFR 351.305(a)(3). 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.

We are publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 2, 2007.

**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 Antidumping Duty Administrative Review

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

**SUMMARY:** On November 6, 2006, the Department of Commerce published the preliminary results of the 2005-2006 administrative review of the antidumping duty order on certain preserved mushrooms from the People's Republic of China ("PRC"). This review covers three exporters.<sup>1</sup> The period of review ("POR") is February 1, 2005, through January 31, 2006.

Based on our analysis of the comments received, we have made changes to the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

**DATES:** *Effective Date:* August 9, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Brian C. Smith or Terre Keaton Stefanova, AD/CVD Operations, Office

<sup>1</sup> This figure does not include those companies which did not respond to the Department's requests for information. See "Facts Available" section of this notice for further discussion.

2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1766 or (202) 482-1280, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

The review covers the following three exporters: (1) China Processed Food Import & Export Company ("COFCO") and its affiliates China National Cereals, Oils & Foodstuffs Import & Export Corporation, COFCO (Zhangzhou) Food Industrial Co., Ltd. ("COFCO Zhangzhou"), Fujian Yu Xing Fruits & Vegetable Foodstuff Development Co. ("Yu Xing"), and Xiamen Jiahua Import & Export Trading Co., Ltd. ("Xiamen Jiahua") (hereinafter collectively to referred to as "the COFCO entity")<sup>2</sup>; (2) Guangxi Eastwing Trading Co., Ltd. ("Guangxi Eastwing"); and (3) Primera Harvest (Xiangfan) Co., Ltd. ("Primera Harvest"). The POR is February 1, 2005, through January 31, 2006.

On November 6, 2006, the Department of Commerce ("the Department") published the preliminary results of this administrative review of the antidumping duty order on certain preserved mushrooms from the PRC. See *Certain Preserved Mushrooms from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 64930 (November 6, 2006) ("Preliminary Results"). We invited interested parties to comment on the *Preliminary Results*.

On November 9, 2006, the COFCO entity requested that the Department extend the deadlines to submit new factual information, publicly available information ("PAI"), and case and rebuttal briefs, as well as the deadline for the final results. On November 17, 2006, we notified the COFCO entity and the other interested parties in this review that although we did not find it necessary at the time to extend the final results, we would extend the deadline to submit new factual information and PAI until January 26, 2007, and extend the deadlines for submitting case and

<sup>2</sup> In the *Preliminary Results*, we determined it appropriate to treat COFCO and its affiliates, China National, COFCO Zhangzhou, Xiamen Jiahua and Yu Xing, as one entity for margin calculation purposes because they met the regulatory criteria for collapsing. See October 31, 2006, Memorandum from the Team to The File, entitled "Certain Preserved Mushrooms from the People's Republic of China: Whether to Continue to Collapse COFCO with Some or All of Its Affiliates." No party objected to this preliminary determination. Therefore, we have continued to treat these affiliated companies as one entity in the final results.

rebuttal briefs until February 9 and 14, 2007, respectively.

On January 22, 2007, the COFCO entity submitted a second request to further extend the deadline for submitting new factual information, PAI, and case and rebuttal briefs, and also requested that the Department fully extend the final results. On January 24, 2007, we notified the COFCO entity and the other interested parties in this review that the Department would provide new deadlines for submitting PAI, case and rebuttal briefs once the Department issued a **Federal Register** notice postponing the final results.

On January 29, 2007, we partially extended the time limit for the final results in this review until August 3, 2007. See *Notice of Partial Extension of Time Limit for Final Results of Antidumping Duty Administrative Review: Certain Preserved Mushrooms from the People's Republic of China*, 72 FR 5268 (February 5, 2007).

On January 31, 2007, the Department provided the COFCO entity and the other interested parties in this review revised deadlines for submitting PAI and case and rebuttal briefs.

On February 5, 2007, the Department placed on the record a revised non-market-economy ("NME") wage rate applicable to the PRC for consideration in the final results.<sup>3</sup>

On March 19, 2007, the Department placed on the record an additional brokerage and handling surrogate value for consideration in the final results.<sup>4</sup>

On March 30, 2007, the COFCO entity submitted PAI for consideration in the final results. No other party submitted PAI.

The COFCO entity filed its case brief on April 13, 2007. No other party (including the petitioner<sup>5</sup>) filed case or rebuttal briefs in the review. No party requested a hearing.

On June 29, 2007, the Department placed on the record information obtained from the Web site of an Indian producer of the subject merchandise and provided an opportunity for the

<sup>3</sup> See Memorandum from Brian Smith, Team Leader, to The File, entitled "Antidumping Duty Administrative Review on Certain Preserved Mushrooms from the People's Republic of China: Revised Non-Market-Economy Wage Rate Applicable to the PRC," dated February 5, 2007.

<sup>4</sup> See Memorandum from Brian Smith, Team Leader, to The File, entitled "Antidumping Duty Administrative Review on Certain Preserved Mushrooms from the People's Republic of China: Additional Brokerage and Handling Surrogate Value Placed on the Record," dated March 19, 2007.

<sup>5</sup> The petitioner is the Coalition for Fair Preserved Mushroom Trade, which includes the following domestic companies: L.K. Bowman, Inc., Monterey Mushrooms, Inc., Mushroom Canning Company, and Sunny Dell Foods, Inc.