

currently classifiable under the Harmonized Tariff Schedule of the United States (“HTSUS”) subheadings: 0703.20.0000, 0703.20.0005, 0703.20.0010, 0703.20.0015, 0703.20.0020, 0703.20.0090, 0710.80.7060, 0710.80.9750, 0711.90.6000, 0711.90.6500, 2005.90.9500, 2005.90.9700, and 2005.99.9700. A full description of the scope of the order is contained in the Issues and Decision Memorandum.<sup>4</sup> Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive.

#### Final Rescission of New Shipper Review

As we explain in the Issues and Decision Memorandum and in the proprietary Kaihua Bona Fides Memorandum<sup>5</sup> issued with the *Preliminary Results*, due to the totality of circumstances, including the price, discrepancies relating to expenses arising from the transaction, lack of definitive proof of payment, and pattern of inconsistencies in Kaihua’s submissions, we continue to find that Kaihua’s sale is not *bona fide*. As a result, we are rescinding the new shipper review of Kaihua.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the Issues and Decision Memorandum. A list of the issues that are raised in the briefs and addressed in the Issues and Decision Memorandum is in the appendix of this notice.

#### Cash Deposit Requirements

Effective upon publication of the final rescission of the NSR of Kaihua, the Department will instruct CBP to discontinue the option of posting a bond or security in lieu of a cash deposit for entries of subject merchandise by Kaihua. Cash deposits will be required for exports of subject merchandise by Kaihua entered, or withdrawn from warehouse, for consumption on or after the publication date, at the PRC-wide rate.

#### Assessment Instructions

As the result of this rescission of the NSR of Kaihua, the entries of Kaihua covered by this NSR will be assessed at the PRC-wide rate.

#### Notification to Importers

This notice serves as final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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 of Commerce’s presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Return or Destruction of Proprietary Information

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of business proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). We request timely written notification of return or destruction of APO materials or conversion to judicial protective order. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published this notice in accordance with sections 751(a)(2)(B) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.214.

Dated: October 1, 2015.

**Ronald K. Lorentzen,**

*Acting Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Issues
  - Comment 1: Whether The Price Of Kaihua’s Garlic Was *Bona Fide*
  - Comment 2: Whether The Comparison Of Single-Clove Garlic With Multi-Clove Garlic Comports With Recent Decisions
  - Comment 3: Whether CBP Data Contains Errors
  - Comment 4: Whether Kaihua Reported Accurate And Actual Expense And Accounting Data
  - Comment 5: Whether Kaihua Provided Proof Of Payment
  - Comment 6: Whether There Is A Pattern Of Inconsistencies With Kaihua’s Submissions
5. Recommendation

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A–570–981]

#### Utility Scale Wind Towers From the People’s Republic of China: Notice of Rescission of Antidumping Duty Administrative Review; 2014–2015

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (“the Department”) is rescinding its administrative review of utility scale wind towers (“wind towers”) from the People’s Republic of China (“PRC”) for the period February 1, 2014 through January 31, 2015 (“POR”), based on the withdrawal of request for review.

**DATES:** *Effective Date:* October 8, 2015.

**FOR FURTHER INFORMATION CONTACT:** Robert Galantucci, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2923.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 2, 2015, the Department published the notice of opportunity to request an administrative review of the antidumping duty order on wind towers from the PRC for the POR.<sup>1</sup> On February 25, 2015, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the “Act”), and 19 CFR 351.213(b), the Department received a timely request from the Wind Tower Trade Coalition (“Petitioner”) to conduct an administrative review.<sup>2</sup>

Pursuant to this request and in accordance with 19 CFR 351.221(c)(1)(i), on April 3, 2015, the Department published a notice of initiation of an administrative review of the antidumping duty order on wind towers from the PRC.<sup>3</sup> On July 1, 2015, Petitioner withdrew its request for an administrative review.<sup>4</sup>

<sup>1</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 80 FR 5509 (February 2, 2015).

<sup>2</sup> See Letter from Petitioner, “Utility Scale Wind Towers from the People’s Republic of China: Request for Administrative Review,” dated February 25, 2015.

<sup>3</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 80 FR 18202 (April 3, 2014) (“Initiation Notice”).

<sup>4</sup> See Letter from Petitioner, “Utility Scale Wind Towers from the People’s Republic of China: Withdrawal of Request for Administrative Review,” dated July 1, 2015.

<sup>4</sup> See the Issues and Decision Memorandum.

<sup>5</sup> See Memorandum to Edward Yang, Office Director, AD/CVD Operations Office VII, “Bona Fide Nature of the Sales in the Antidumping Duty New Shipper Review of Fresh Garlic from the People’s Republic of China (PRC): Jinxiang Kaihua Imp & Exp Co., Ltd.” dated June 3, 2015.

## Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the party that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above, Petitioner withdrew its request for review within 90 days of the publication date of the *Initiation Notice*. No other parties requested an administrative review of the order. Therefore, in accordance with 19 CFR 351.213(d)(1), we are rescinding this review in its entirety.

## Assessment

The Department will instruct U.S. Customs and Border Protection (“CBP”) to assess antidumping duties on all appropriate entries of wind towers from the PRC. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice of rescission of administrative review.

## Notifications

This notice also serves as a final reminder to importers for whom this review is being rescinded of their responsibility under 19 CFR 351.402(f)(2) 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 the antidumping duties occurred and the subsequent assessment of double antidumping duties.

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 notice is published in accordance with section 751 of the Act, and 19 CFR 351.213(d)(4).

Dated: October 1, 2015.

**Christian Marsh,**

*Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–851]

### Certain Preserved Mushrooms From the People’s Republic of China: Initiation of Antidumping Duty New Shipper Review

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**DATES:** *Effective Date:* October 8, 2015.

**SUMMARY:** The Department of Commerce (the Department) is initiating a new shipper review of the antidumping duty order on certain preserved mushrooms (mushrooms) from the People’s Republic of China (PRC) involving Linyi Yuqiao International Trade Co., Ltd. (Yuqiao). The period of review (POR) of this new shipper review is February 1, 2015, through July 31, 2015.

#### FOR FURTHER INFORMATION CONTACT:

Michael J. Heaney or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4475 or (202) 482–0649, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On February 19, 1999, the Department published the antidumping duty order on mushrooms from the PRC.<sup>1</sup> Pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), we received a timely request for a new shipper review of the order from Yuqiao.<sup>2</sup> In its request for review, Yuqiao identified itself as the exporter of the subject merchandise, while listing the producer as Linyi City Kangfa Foodstuff Drinkable Co., Ltd. (Kangfa).

Pursuant to the requirements set forth in section 751(a)(2)(B)(i) of the Act and 19 CFR 351.214(b)(2), Yuqiao certified that: (1) It did not export subject merchandise to the United States during

the period of investigation (POI) (*see* section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(ii)(A)); (2) since the initiation of the investigation it has never been affiliated with any exporter or producer that exported subject merchandise to the United States during the POI, including those companies not individually examined during the investigation (*see* section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A)); and (3) its export activities are not controlled by the central government of the PRC (*see* 19 CFR 351.214(b)(2)(iii)(B)). Kangfa also certified that: (1) It did not export the subject merchandise to the United States during the POI (*see* 19 CFR 351.214(b)(2)(ii)(B)); and (2) since the initiation of the investigation, Kangfa has never been affiliated with any exporter or producer that exported subject merchandise during the POI, including those companies not individually examined during the investigation.<sup>3</sup>

Moreover, in accordance with 19 CFR 351.214(b)(2)(iv), Yuqiao submitted documentation establishing the following: (1) The date on which it first entered merchandise into the United States; (2) the volume of its first shipment and a statement that it had no subsequent shipments; and (3) the date of its first sale to an unaffiliated customer in the United States.<sup>4</sup>

Finally, the Department conducted a U.S. Customs and Border Protection (CBP) database query and confirmed the price, quantity, and date of entry of the sale at issue.<sup>5</sup> Notably, the CBP data indicate that Yuqiao’s sale and entry of subject merchandise occurred during the POR and the entry was suspended for antidumping duties.

#### Period of Review

Pursuant to 19 CFR 351.214(g)(1)(i)(B), the POR for new shipper reviews initiated in the month immediately following the semiannual anniversary month will be the six month period immediately preceding the semiannual anniversary month. Therefore, because the semiannual anniversary month of this order is August, the POR for this new shipper review is February 1, 2015, through July 31, 2015.

<sup>3</sup> *Id.* at Attachment 1.

<sup>4</sup> *Id.* at Attachment 2.

<sup>5</sup> *Id.*; *see also* Memorandum to the File from the Case Analyst, “Certain Preserved Mushrooms from the People’s Republic of China: Customs Data for NSR”, dated September 14, 2015, and herein incorporated by reference.

<sup>1</sup> *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).

<sup>2</sup> *See* Letter from Yuqiao to Secretary of Commerce, dated August 28, 2015 (Yuqiao Request).