

telephone: (202) 482-5047 and (202) 482-1690, respectively.

### Background

On December 26, 2002, the Department of Commerce (the Department) published the *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews* (67 FR 78772), in which it initiated an administrative review of the antidumping duty order on fresh garlic from the People's Republic of China. On January 6, 2003, the Department published the *Notice of Initiation of New Shipper Antidumping Duty Reviews: Fresh Garlic from the People's Republic of China* (68 FR 542), in which it initiated new shipper reviews for three companies. On March 10, 2003, we aligned the new shipper reviews with the administrative review pursuant to 19 CFR 351.214(j)(3). As such, the time limits for the new shipper reviews were aligned with those for the administrative review. See memorandum to the File from Jennifer Moats entitled "Request for Alignment of Annual and New Shipper Reviews," dated March 10, 2003. On July 31, 2003, we issued a notice partially rescinding the administrative review covering sales made during the period by Clipper Manufacturing Ltd., Fook Huat Tong Kee Pte., Ltd., Huaiyang Hongda Dehydrated Vegetable Company, Golden Light Trading Company, Ltd., Good Fate International, Philo-Sino International Trading Inc., and Mai Xuan Fruitex Co., Ltd. On August 7, 2003, we extended the deadline for issuance of the preliminary results by 90 days, until October 31, 2003 (68 FR 47020). On September 26, 2003, we issued the preliminary results for the new shipper review of Xiangcheng Yisheng Foodstuffs Co., Ltd., one of the three companies listed in our January 6, 2003, notice of initiation of new shipper antidumping duty reviews.

### Extension of Time Limit for Preliminary Results of Administrative and New Shipper Reviews

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), provides that the Department will issue the preliminary results of an administrative review of an antidumping duty order within 245 days after the last day of the anniversary month of the date of publication of the order. The Act provides further that the Department may extend that 245-day period to 365 days if it determines it is not practicable to complete the review within the foregoing time period. Section 751(a)(2)(B)(iv) of the Act also provides that we may extend the deadlines in a

new shipper review period if we determine that the case is extraordinarily complicated.

The Department has determined that the aligned administrative review and new shipper reviews of Jinan Yipin Corporation Ltd., Shandong Heze International Trade and Developing Company, Jining Trans-High Trading Company, and Zhengzhou Harmoni Spice Co., Ltd., are extraordinarily complicated and that it is not practicable to complete the preliminary results by the partially extended deadline of October 31, 2003. There are a number of complex factual and legal questions related to the calculation of the antidumping margins in the administrative review and new shipper reviews, in particular the analysis of the *bona fides* of certain sales at issue and the valuation of the factors of production. We require additional time to address these matters through the gathering and verification of certain information.

Therefore, in accordance with sections 751(a)(2)(B)(iv) and 751(a)(3)(A) of the Act, the Department is extending the time limit for the preliminary results by an additional 30 days, until no later than December 1, 2003.<sup>1</sup>

Dated: October 17, 2003.

**Jeffrey May,**

*Deputy Assistant Secretary for AD/CVD Enforcement I.*

[FR Doc. 03-26798 Filed 10-22-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-122-847]

### Notice of Antidumping Duty Order: Hard Red Spring Wheat From Canada

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

**ACTION:** Notice of antidumping duty order.

**EFFECTIVE DATE:** October 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Julie Santoboni or Cole Kyle, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230;

<sup>1</sup> A 30-day extension of the current deadline for the preliminary results of review would fall on November 30, 2003, which is a Sunday. Therefore, the new deadline for the preliminary results is the following business day.

telephone: (202) 482-4194 or (202) 482-1503, respectively.

### Scope of Order

For purposes of this order, the products covered are all varieties of hard red spring ("HRS") wheat from Canada. This includes, but is not limited to, varieties commonly referred to as Canada Western Red Spring, Canada Western Extra Strong, and Canada Prairie Spring Red. The merchandise subject to this investigation is currently classifiable under the following Harmonized Tariff Schedule of the United States ("HTSUS") subheadings: 1001.90.10.00, 1001.90.20.05, 1001.90.20.11, 1001.90.20.12, 1001.90.20.13, 1001.90.20.14, 1001.90.20.16, 1001.90.20.19, 1001.90.20.21, 1001.90.20.22, 1001.90.20.23, 1001.90.20.24, 1001.90.20.26, 1001.90.20.29, 1001.90.20.35, and 1001.90.20.96. This investigation does not cover imports of wheat that enter under the subheadings 1001.90.10.00 and 1001.90.20.96 that are not classifiable as hard red spring wheat. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

### Antidumping Duty Order

In accordance with section 735(a) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") published its final determination that HRS wheat from Canada is being sold in the United States at less than fair value. See *Notice of Final Determinations of Sales at Less Than Fair Value: Certain Durum and Hard Red Spring Wheat from Canada*, 68 FR 52741 (September 5, 2003). Subsequently, the Department amended its final determination of the antidumping duty investigation of HRS wheat from Canada to correct certain ministerial errors in the final margin calculation. See *Notice of Amended Final Determination of Sales at Less Than Fair Value: Hard Red Spring Wheat from Canada*, 68 FR 57666 (October 6, 2003). On October 16, 2003, the International Trade Commission notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Act that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from Canada.

Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct U.S. Customs and Border Protection ("CBP") to assess, upon further advice by the Department,

antidumping duties equal to the amount by which the normal value of the subject merchandise exceeds the export price of the subject merchandise for all relevant entries of HRS wheat from Canada. These antidumping duties will be assessed on (1) all unliquidated entries of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after May 8, 2003, the date of publication of the Department's preliminary determination in the **Federal Register**<sup>1</sup> and before October 12, 2003, the date on which the Department is required pursuant to section 733(d)(3) of the Act to terminate the suspension of liquidation; and (2) on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination in the **Federal Register**.

On or after the date of publication of the ITC's notice of final determination in the **Federal Register**, CBP officers must require, at the same time as importers would normally deposit estimated duties, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The "All Others" rate applies to all exporters of subject merchandise not specifically listed. The weighted-average dumping margins are as follows:

| Exporter/manufacturer      | Amended weighted-average margin percentage |
|----------------------------|--|
| Canadian Wheat Board ..... | 8.86                                       |
| All Others .....           | 8.86                                       |

This notice constitutes the antidumping duty order with respect to HRS wheat from Canada, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the main Commerce building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: October 17, 2003.

**James J. Jochum**,  
Assistant Secretary for Import Administration.

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<sup>1</sup> Notice of Preliminary Determinations of Sales at Less Than Fair Value: Certain Durum Wheat and Hard Red Spring Wheat From Canada, 68 FR 24707 (May 8, 2003).

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[C-122-848]

**Notice of Countervailing Duty Order: Hard Red Spring Wheat From Canada**

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

**ACTION:** Notice of countervailing duty order.

**EFFECTIVE DATE:** October 23, 2003.

**FOR FURTHER INFORMATION CONTACT:** Stephen Cho or Audrey Twyman, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3798 or (202) 482-3534, respectively.

**Scope of Order**

For purposes of this order, the products covered are all varieties of hard red spring ("HRS") wheat from Canada. This includes, but is not limited to, varieties commonly referred to as Canada Western Red Spring, Canada Western Extra Strong, and Canada Prairie Spring Red. The merchandise subject to this investigation is currently classifiable under the following *Harmonized Tariff Schedule of the United States* ("HTSUS") subheadings: 1001.90.10.00, 1001.90.20.05, 1001.90.20.11, 1001.90.20.12, 1001.90.20.13, 1001.90.20.14, 1001.90.20.16, 1001.90.20.19, 1001.90.20.21, 1001.90.20.22, 1001.90.20.23, 1001.90.20.24, 1001.90.20.26, 1001.90.20.29, 1001.90.20.35, and 1001.90.20.96. This investigation does not cover imports of wheat that enter under the subheadings 1001.90.10.00 and 1001.90.20.96 that are not classifiable as hard red spring wheat. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

**Countervailing Duty Order**

In accordance with section 705(a) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") published its final determination that countervailable subsidies are being provided to producers and exporters of HRS wheat from Canada. See *Notice of Final Affirmative Countervailing Duty Determinations: Certain Durum and Hard Red Spring Wheat from Canada*, 68 FR 52747 (September 5, 2003). On October 16, 2003, in accordance with

section 705(d) of the Act, the International Trade Commission notified the Department of its final determination that a U.S. industry is "materially injured" within the meaning of section 705(b)(1)(A) of the Act by reason of imports of HRS wheat from Canada.

Therefore, in accordance with section 706(a)(3) of the Act, the Department will direct U.S. Customs and Border Protection ("CBP") to assess, upon further advice by the Department, countervailing duties for all relevant entries of HRS wheat from Canada. For all producers and exporters countervailing duties will be assessed on all unliquidated entries of HRS wheat entered, or withdrawn from warehouse, for consumption on or after March 10, 2003, the date of publication of the Department's preliminary determination in the **Federal Register**<sup>1</sup> and before July 8, 2003, the date the Department instructed CBP to discontinue the suspension of liquidation in accordance with section 703(d) of the Act,<sup>2</sup> and on all subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's notice of final determination in the **Federal Register**.

On or after the date of publication of the ITC's notice of final determination in the **Federal Register**, CBP officers will require, at the same time as importers would normally deposit estimated duties on this merchandise, cash deposits for the subject merchandise equal to the net subsidy rate, as noted below. The "All Others" rate applies to all exporters of subject merchandise not specifically listed. The cash deposit rates are:

| Exporter/manufacturer      | Net subsidy rate (percent) |
|----------------------------|----------------------------|
| Canadian Wheat Board ..... | 5.29                       |
| All Others .....           | 5.29                       |

This notice constitutes the countervailing duty order with respect to HRS wheat from Canada, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the main Commerce building, for copies of an

<sup>1</sup> Preliminary Affirmative Countervailing Duty Determinations and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination: Certain Durum Wheat and Hard Red Spring Wheat From Canada, 68 FR 11374 (March 10, 2003).

<sup>2</sup> See also, The Statement of Administrative Action, H. Doc. No. 103-316, Vol. 1 at 874 (1994), reprinted in 1994 U.S.C.A.N. 3773, 4163.