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DEPARTMENT OF COMMERCE  
International Trade Administration  
[A-570-831]

Fresh Garlic from the People's Republic of China: Initiation of Semiannual Antidumping Duty  
New Shipper Review; 2016-2017

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

SUMMARY: On May 19, 2017, the Department received a timely request for a semiannual new  
shipper review (NSR) from Qingdao Doo Won Foods Co., Ltd. (Doo Won). The Department of  
Commerce (Department) has determined that the request for a NSR of the antidumping duty  
order on Fresh Garlic from the People's Republic of China (PRC) meets the statutory and  
regulatory requirements for initiation. The period of review (POR) is November 1, 2016,  
through April 30, 2017.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

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SUPPLEMENTARY INFORMATION:

#### *Background*

The Department published the antidumping duty order on fresh garlic from the PRC in  
the *Federal Register* on November 16, 1994.<sup>1</sup> On May 19, 2017, the Department received a

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<sup>1</sup> See *Antidumping Duty Order: Fresh Garlic from the People's Republic of China*, 59 FR 59209 (November 16, 1994).

timely request for a NSR from Doo Won.<sup>2</sup> Doo Won certified that it is the exporter and producer of the fresh garlic upon which the request for a NSR is based. Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Doo Won certified that it did not export fresh garlic for sale to the United States during the period of investigation (POI).<sup>3</sup> Moreover, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Doo Won certified that, since the investigation was initiated, it never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI, including those not individually examined during the investigation.<sup>4</sup> Further, as required by 19 CFR 351.214(b)(2)(iii)(B), it certified that its export activities are not controlled by the central government of the PRC.<sup>5</sup> Doo Won also certified it had no subsequent shipments of subject merchandise.<sup>6</sup>

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Doo Won submitted documentation establishing the following: (1) the date of its first sale to an unaffiliated customer in the United States; (2) the date on which the fresh garlic was first entered; and (3) the volume of that shipment.<sup>7</sup>

The Department queried the database of U.S. Customs and Border Protection (CBP) in an attempt to confirm that the shipment reported by Doo Won had entered the United States for consumption and that liquidation had been properly suspended for antidumping duties. The information which the Department examined was consistent with that provided by Doo Won in

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<sup>2</sup> See Doo Won's Letter, "Fresh garlic from the People's Republic of China: Request for New-Shipper Review," (November 30, 2016).

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

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at Attachment 2.

its request.<sup>8</sup> In particular, the CBP data confirmed the price and quantity reported by Doo Won for the sale that forms the basis for this NSR request.

#### *Period of Review*

Pursuant to 19 CFR 351.214(c), an exporter or producer may request a NSR within one year of the date on which its subject merchandise was first entered. Moreover, 19 CFR 351.214(d)(1) states that if the request for the review is made during the six-month period ending with the end of the semiannual anniversary month, the Secretary will initiate a NSR in the calendar month immediately following the semiannual anniversary month. Further, 19 CFR 315.214(g)(1)(i)(B) states that if the NSR was initiated in the month immediately following the semiannual anniversary month, the POR will be the six-month period immediately preceding the semiannual anniversary month. Doo Won made the request for a NSR, which included all documents and information required by the statute and regulations, within one year of the date on which its fresh garlic first entered. Its request was filed in May, which is the semiannual anniversary month of the order. Therefore, the POR is November 1, 2016, through April 30, 2017.<sup>9</sup>

#### *Initiation of New Shipper Review*

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b), and the information on the record, the Department finds that Doo Won's request meets the threshold requirements for initiation of a NSR and, therefore, is initiating a NSR of Doo Won. The Department intends to issue the preliminary results within 180 days after the date on which this review is initiated and the final results within 90 days after the date on which we issue the preliminary results.<sup>10</sup>

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<sup>8</sup> See Memorandum, "New Shipper Review of the Antidumping Duty Order on Fresh Garlic from the People's Republic of China: U.S. Customs and Border Protection Entry Data," dated June 21, 2017.

<sup>9</sup> See 19 CFR 351.214(g)(1)(i)(B).

<sup>10</sup> See section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice in cases involving non-market economies to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate (*i.e.*, a separate rate) provide evidence of *de jure* and *de facto* absence of government control over the company's export activities.<sup>11</sup> Accordingly, the Department will issue questionnaires to Doo Won, which will include a section requesting information with regard to its export activities for the purpose of establishing its eligibility for a separate rate. The review will proceed if the responses provide sufficient indication that Doo Won is not subject to either *de jure* or *de facto* government control with respect to its exports of fresh garlic.

On February 24, 2016, the President signed into law the "Trade Facilitation and Trade Enforcement Act of 2015," H.R. 644, which made several amendments to section 751(a)(2)(B) of the Act. We will conduct this new shipper review in accordance with section 751(a)(2)(B) of the Act, as amended by the Trade Facilitation and Trade Enforcement Act of 2015.<sup>12</sup>

Interested parties requiring access to proprietary information in this proceeding should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

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<sup>11</sup> See Import Administration Policy Bulletin, Number: 05.1. (<http://ia.ita.doc.gov/policy/bull05-1.pdf>).

<sup>12</sup> The Trade Facilitation and Trade Enforcement Act of 2015 removed from section 751(a)(2)(B) of the Act the provision directing the Department to instruct Customs and Border Protection to allow an importer the option of posting a bond or security in lieu of a cash deposit during the pendency of a new shipper review.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

*Dated: July 3, 2017.*

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Gary Taverman  
Deputy Assistant Secretary  
for Antidumping and Countervailing Duty Operations,  
performing the non-exclusive functions and duties of the  
Assistant Secretary for Enforcement and Compliance

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