

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-863]

**Honey From the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews**

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

**ACTION:** Initiation of new shipper antidumping duty reviews.

**EFFECTIVE DATE:** August 11, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Angelica Mendoza or Dena Aliadinov or Brandon Farlander at (202) 482-3019 or (202) 482-3362 or (202) 482-0182, respectively; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****The Applicable Statute**

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR part 351 (2003).

**Background**

The Department received timely requests from Anhui Honghui Foodstuff (Group) Co., Ltd. (Anhui Honghui), Jiangsu Kanghong Natural Healthfoods Co., Ltd. (Jiangsu Kanghong), Cheng Du Wai Yuan Bee Products Co., Ltd. (Wai Yuan), Shanghai Shinomiell International Trade Corporation (Shanghai Shinomiell), Eurasia Bee's Products Co., Ltd. (Eurasia), and Jinfu Trading Co., Ltd. (Jinfu), in accordance with 19 CFR 351.214(c), for new shipper reviews of the antidumping duty order on honey from the People's Republic of China (PRC), which has a December annual anniversary month and a June semiannual anniversary month. *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey from the People's Republic of China*, 66 FR 63670 (December 10, 2001). Wai Yuan identified itself as both the exporter and producer of the subject merchandise. Jinfu identified itself as the exporter of

honey produced by its supplier, Cixi City Yikang Bee Industry Co., Ltd. (Cixi Yikang). As required by 19 CFR 351.214(b)(2)(i), (ii), and (iii)(A), each company identified above has certified that it did not export honey to the United States during the period of investigation (POI), and that it has never been affiliated with any exporter or producer which did export honey during the POI. Each company has further certified that its export activities are not controlled by the central government of the PRC, satisfying the requirements of 19 CFR 351.214(b)(2)(iii)(B). Pursuant to the Department's regulations at 19 CFR 351.214(b)(2)(iv), Wai Yuan and Jinfu submitted documentation establishing the date on which the subject merchandise was first entered for consumption in the United States, the volume of that first shipment, and the date of the first sale to an unaffiliated customer in the United States.

In accordance with section 751(a)(2)(B) of the Act, as amended, and 19 CFR 351.214(d)(1), and based on information on the record, we are initiating new shipper reviews for Wai Yuan and Jinfu. *See also* Memoranda to the File through Richard O. Weible, "New Shipper Review Initiation Checklist," dated July 31, 2003, for each respective company. The Department is not initiating new shipper reviews for the remaining companies due to deficiencies in each of those companies' certifications.<sup>1</sup>

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 provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to Wai Yuan and Jinfu, including a separate rates section. If the responses provide sufficient indication that Wai Yuan and Jinfu are not subject to either *de jure* or *de facto* government control with respect to their exports of honey, the review will proceed. If, on the other hand, Wai Yuan and Jinfu do not demonstrate their eligibility for a separate rate, then they will be deemed not separate from other companies that exported during the POI and the review of that respondent will be rescinded.

<sup>1</sup> See letters to Anhui Honghui, Jiangsu Kanghong, Shanghai Shinomiell, and Eurasia from Richard O. Weible, dated July 31, 2003. *See also* Memoranda to the File through Richard O. Weible, "New Shipper Review Initiation Checklist," dated July 31, 2003, for each respective company.

**Scope**

The merchandise under review is honey from the PRC. The products covered are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form. The merchandise under review is currently classifiable under item 0409.00.00, 1702.90.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under review is dispositive.

**Initiation of Review**

In accordance with section 751(a)(2)(B)(ii) of the Act and 19 CFR 351.214(d)(1), we are initiating new shipper reviews of the antidumping duty order on honey from the PRC. We intend to issue the preliminary results of these reviews not later than 180 days after the date on which these reviews were initiated, and the final results of these reviews within 90 days after the date on which the preliminary results were issued.

Pursuant to 19 CFR 351.214(g)(1)(i)(B) of the Department's regulations, the period of review (POR) for a new shipper review initiated in the month immediately following the semiannual anniversary month will be the six-month period immediately preceding the semiannual anniversary month. Therefore, the POR for these new shipper reviews is:

| Antidumping duty proceeding                   | Period to be reviewed |
|-----------------------------------------------|-----------------------|
| Cheng Du Wai Yuan Bee Products Co., Ltd. .... | 12/01/02-05/31/03     |
| Jinfu Trading Co., Ltd.                       | 12/01/02-05/31/03     |

We will instruct the U.S. Bureau of Customs and Border Protection (Customs) to allow, at the option of the importer, the posting, until the completion of the review, of a single entry bond or security in lieu of a cash deposit for certain entries of the merchandise exported by the above-listed companies. This action is in accordance with 19 CFR 351.214(e). As Wai Yuan has certified that it both produced and exported the subject merchandise, we will instruct Customs

to limit Wai Yuan's bonding option only to such merchandise for which it is both the producer and exporter. For Jinfu, which has identified Cixi Yikang as the producer of subject merchandise for the sale under review, we will instruct Customs to limit the bonding option only to entries of subject merchandise from Jinfu that was produced by Cixi Yikang.

Interested parties that need access to proprietary information in these new shipper reviews should submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214(d).

Dated: July 31, 2003.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Grant Aldonas,  
Under Secretary.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-874]

#### **Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from the People's Republic of China**

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

**EFFECTIVE DATE:** August 11, 2003.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood or Alice Gibbons at (202) 482-3874 and (202) 482-0498, respectively, AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### **SUPPLEMENTARY INFORMATION:**

##### **Final Determination:**

We determine that polyvinyl alcohol (PVA) from the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

##### **Background**

The preliminary determination in this investigation was issued on March 14,

2003. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Polyvinyl Alcohol from the People's Republic of China*, 68 FR 13674 (March 20, 2003) (*Preliminary Determination*). Since the preliminary determination, the following events have occurred.

With respect to scope, on March 3, 2003, the petitioners agreed to revise the scope of the companion case on PVA from Japan to exclude certain types of PVA covalently bonded with diacetoneacrylamide. The petitioners' submission was made in response to a request by Japan VAM and POVAL Co., Ltd., one of the mandatory respondents in the companion Japanese case.

Because these comments relate to PVA in general, we find that they are applicable to this proceeding. Accordingly, as we did in the preliminary determination, we have modified the scope to conform to that set forth in the companion Japanese proceeding, as described in the "Scope of the Investigation" section of this notice below. *See Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from Japan*, 68 FR 19510 (April 21, 2003).

In March and April 2003, we conducted verification of the questionnaire responses of the sole participating respondent in this case, Sinopec Sichuan Vinyon Works (SVW).

We gave interested parties an opportunity to comment on the preliminary determination. In May, we received case and rebuttal briefs from the petitioners (Celanese Chemicals Ltd. and E.I. Dupont de Nemours & Company) and SVW. The Department held a public hearing on May 29, 2003, at the request of SVW.

##### **Scope of the Investigation**

The merchandise covered by this investigation is PVA. This product consists of all PVA hydrolyzed in excess of 80 percent, whether or not mixed or diluted with commercial levels of defoamer or boric acid, except as noted below.

The following products are specifically excluded from the scope of this investigation:

- 1) PVA in fiber form.
- 2) PVA with hydrolysis less than 83 mole percent and certified not for use in the production of textiles.
- 3) PVA with hydrolysis greater than 85 percent and viscosity greater than or equal to 90 cps.
- 4) PVA with a hydrolysis greater than 85 percent, viscosity greater than or equal to 80 cps but less than 90 cps, certified for use in an ink jet application.

5) PVA for use in the manufacture of an excipient or as an excipient in the manufacture of film coating systems which are components of a drug or dietary supplement, and accompanied by an end-use certification.

6) PVA covalently bonded with cationic monomer uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

7) PVA covalently bonded with carboxylic acid uniformly present on all polymer chains in a concentration equal to or greater than two mole percent, certified for use in a paper application.

8) PVA covalently bonded with thiol uniformly present on all polymer chains, certified for use in emulsion polymerization of non-vinyl acetic material.

9) PVA covalently bonded with paraffin uniformly present on all polymer chains in a concentration equal to or greater than one mole percent.

10) PVA covalently bonded with silan uniformly present on all polymer chains certified for use in paper coating applications.

11) PVA covalently bonded with sulfonic acid uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

12) PVA covalently bonded with acetoacrylate uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

13) PVA covalently bonded with polyethylene oxide uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

14) PVA covalently bonded with quaternary amine uniformly present on all polymer chains in a concentration level equal to or greater than one mole percent.

15) PVA covalently bonded with diacetoneacrylamide uniformly present on all polymer chains in a concentration level greater than three mole percent, certified for use in a paper application.

The merchandise under investigation is currently classifiable under subheading 3905.30.00 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

##### **Period of Investigation**

The period of investigation is January 1, 2002, through June 30, 2002, which corresponds to the two most recent fiscal quarters prior to the month of the