

amending the critical circumstances provisions in 1988, Congress developed "an improved critical circumstances procedure [that] will significantly strengthen antidumping and countervailing duty procedures by revitalizing a provision that has up to now been ineffective." H.R. Rep. No. 100-576, at 611 (1988). Considering this legislative history, we conclude that Congress did not intend to limit the availability of retroactive relief in cases such as this one to only those instances where two-thirds of the ITC votes to grant such relief. Moreover, as noted above, the ITC itself explicitly stated in its final injury determination that it made "an affirmative determination that critical circumstances exist with respect to subject imports from China for which Commerce made affirmative critical circumstances determinations." See *Honey from Argentina and China*, Inv. Nos. 701-TA-402 and 731-TA-892-893 (Final), USITC Pub., 3470 (November 19, 2001).

Therefore, for all the reasons discussed above, we consider the ITC to have made an affirmative critical circumstances determination. The Department's finding in this regard is consistent with the Department's treatment of this issue in previous critical circumstances cases involving tie votes at the ITC. See *Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Preserved Mushrooms from the PRC*, 64 FR 8308 (February 19, 1999) and *Notice of Antidumping Order: Coumarin from the People's Republic of China*, 60 FR 7751 (February 9, 1995).

In accordance with section 736(a)(1) of the Act, the Department will direct Customs 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 U.S. price of the subject merchandise for all relevant entries of honey from the PRC. These antidumping duties will be assessed on all unliquidated entries of honey from the PRC entered, or withdrawn from warehouse, for consumption on or after May 11, 2001, the date on which the Department published its notice of preliminary determination for this investigation in the **Federal Register**, except for subject merchandise exported by Kunshan, High Hope, Zhejiang, or other companies not specifically named below. For merchandise exported by Kunshan, High Hope, Zhejiang, or by other companies not specifically named below, we are directing the Customs Service to assess antidumping duties on all unliquidated entries of the subject

merchandise that are entered, or withdrawn from warehouse, for consumption on or after February 10, 2001, the date 90 days prior to the date of publication of the preliminary determination in the **Federal Register** (see *Notice of Preliminary Determination of Sales at Less Than Fair Value; Honey from the PRC*, 66 FR 24101, (May 11, 2001)), in accordance with the critical circumstances finding in the final determination.

On or after the date of publication of this notice in the **Federal Register**, Customs must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins noted below:

Exporter/Manufacturer	Margin (percent)	Critical circumstances
Inner Mongolia	57.13	No.
Kunshan	49.60	Yes.
Zhejiang	25.88	Yes.
High Hope	45.46	Yes.
Shanghai Eswell	45.46	No.
Anhui	45.46	No.
Henan	45.46	No.
PRC-wide Entity	183.80	Yes.

The "PRC-wide" rate applies to all exporters in the PRC of subject merchandise not specifically listed above.

In accordance with section 735(c)(1)(B) of the Act, we are directing the United States Customs Service to continue suspending liquidation of all imports of the subject merchandise from the PRC. Customs shall require a cash deposit or the posting of a bond equal to the weighted-average amount by which normal value exceeds the export price as indicated in the chart above. These suspension-of-liquidation instructions will remain in effect until further notice.

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

This determination and order are issued and published in accordance with sections 735(d), 736(a), and 777(i)(1) of the Act.

Dated: November 28, 2001.

Richard W. Moreland,
Acting Assistant Secretary for Import Administration.

[FR Doc. 01-30468 Filed 12-7-01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-357-812]

Notice of Antidumping Duty Order; Honey From Argentina

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

ACTION: Notice of Antidumping Duty Orders.

EFFECTIVE DATE: December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Melissa Blackledge at (202) 482-3518 or Donna Kinsella at (202) 482-0194, 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.

Applicable Statute and Regulations: 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 (the Tariff Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations refer to the regulations codified at 19 CFR part 351 (2000).

Scope of the Order

For purposes of this order, 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 subject to this order is currently classifiable under subheadings 0409.00.00, 1702.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and U.S. Customs Service (U.S. Customs) purposes, the Department's written description of the merchandise under investigation is dispositive.

Antidumping Duty Order

In accordance with section 735(a) of the Tariff Act, as amended, the Department made its final determination that honey from Argentina is being sold at less than fair value (see *Notice of Final Determination*

of Sales at Less Than Fair Value: Honey From Argentina, 66 FR 50611 (October 4, 2001)). On November 9, 2001, the Department issued an amended final determination (see Notice of Amended Final Determination of Sales at Less Than Fair Value: Honey, 66 FR 58434 (November 21, 2001)). On November 13, 2001, the International Trade Commission (the Commission) notified the Department of its final determination pursuant to section 735(b)(1)(A)(i) of the Tariff Act that an industry in the United States is materially injured by reason of less-than-fair-value imports of subject merchandise from Argentina.

In accordance with section 736(a)(1) of the Tariff Act, the Department will direct Customs officers to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise for all relevant entries of honey from Argentina. These antidumping duties will be assessed on all unliquidated entries of honey from Argentina entered, or withdrawn from warehouse, for consumption on or after May 11, 2001, the date on which the Department published its notice of preliminary determination in the **Federal Register** (66 FR 24108). Effective on the date of publication of the order, customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The "All Others" rate applies to all exporters of honey not specifically listed.

Article VI.5 of the General Agreement on Tariffs and Trade (GATT 1994) prohibits assessing antidumping duties on the portion of the margin attributable to an export subsidy. In this case, the product under investigation is subject to a countervailing duty investigation. See Notice of Final Affirmative Countervailing Duty Determination: Honey from Argentina, 66 FR 50613 (October 4, 2001). Therefore, for all entries of honey from Argentina entered, or withdrawn from warehouse, for consumption on or after the date on which the order in the companion countervailing duty investigation is published in the **Federal Register**, we will request for duty deposit purposes that the Customs Service deduct the portion of the margin attributable to export subsidies as determined in the countervailing duty investigation. The antidumping duty cash deposit rates, as

adjusted for export subsidies, are as follows:

Producer/manufacturer/exporter	Cash deposit rate (percent)
Asociacion Cooperativas Argentinas (ACA)	31.92
Radix S.R.L. (Radix)	27.04
ConAgra Argentina	55.15
All Others	30.24

This notice constitutes the antidumping duty order with respect to honey from Argentina. Interested parties may contact the Department's 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 Tariff Act.

Dated: November 30, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01-30469 Filed 12-7-01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C-357-813]

Notice of Countervailing Duty Order: Honey From Argentina

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

EFFECTIVE DATE: December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Thomas Gilgunn at (202) 482-4236, or Holly Hawkins at (202) 482-0414, Office of AD/CVD Enforcement VII, Group III, Import Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the Tariff Act of 1930, as amended (the Act). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (2000).

Scope of Order

The merchandise subject to this investigation is natural honey, artificial honey containing more than 50 percent natural honeys by weight, preparations

of natural honey containing more than 50 percent natural honeys by weight, and flavored honey. The subject merchandise includes all grades and colors of honey whether in liquid, creamed, combs, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise subject to this investigation is currently classifiable under subheadings 0409.00.00, 1702.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and U.S. Customs Service (Customs) purposes, the Department's written description of the merchandise under investigation is dispositive.

Countervailing Duty Order

In accordance with section 705(d) of the Act, on October 4, 2001, the Department published in the **Federal Register** its final affirmative determination in the countervailing duty investigation of Honey from Argentina (66 FR 50613). On November 19, 2001, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of honey from Argentina.

Therefore, countervailing duties will be assessed on all unliquidated entries of honey from Argentina entered, or withdrawn from warehouse, for consumption on or after March 13, 2001, the date on which the Department published its preliminary countervailing duty determination in the **Federal Register**, and before July 11, 2001, the date that the Department instructed the U.S. Customs Service to terminate the suspension of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals on or after the date of publication of this countervailing duty order in the **Federal Register**. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for longer than four months. Entries of honey made on or after July 11, 2001, and prior to the date of publication of this order in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's termination, effective July 11, 2001, of suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstate the suspension of liquidation effective the date of publication of this notice in the **Federal Register** and to assess, upon