

fencing wire from Argentina, which is currently classifiable under Harmonized Tariff Schedule (“HTS”) item number 7313.00.00. The HTS item numbers are provided for convenience and customs purposes. The written product description remains dispositive.

#### Analysis of Comments Received

All issues raised in this review are addressed in the “Issues and Decision Memorandum” (“Decision Memo”) from Ronald K. Lorentzen, Acting Director, Office of Policy, Import Administration, to Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, dated July 30, 2004, which is hereby adopted by this notice. The issues discussed in the Decision Memo include the likelihood of continuation or recurrence of dumping and the magnitude of the margin likely to prevail if the order were revoked. Parties can find a complete discussion of all issues raised in this sunset review and the corresponding recommendations in this public memo, which is on file in room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading “August 2004.” The paper copy and electronic version of the Decision Memo are identical in content.

#### Final Results of Review

We determine that revocation of the antidumping duty order on barbed wire from Argentina would likely lead to continuation or recurrence of dumping at the following percentage weighted-average percentage margins:

Manufacturers/exporters/producers	Weighted-average margin (percent)
Acindar Industria Argentina de Aceros, S.A. ....	69.02
All Others .....	69.02

This notice also serves as the only 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 of the Department’s regulations. Timely notification of the return or 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.

We are issuing and publishing the results and notice in accordance with

sections 751(c), 752, and 777(i)(1) of the Act.

Dated: July 30, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 04-17922 Filed 8-4-04; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-007]

#### Continuation of Antidumping Duty Order: Barium Chloride From The People’s Republic of China

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

**ACTION:** Notice of continuation of antidumping duty order: barium chloride from The People’s Republic of China.

**SUMMARY:** The Department of Commerce (“the Department”) has determined that revocation of the antidumping duty order on barium chloride from The People’s Republic of China (“PRC”), would be likely to lead to continuation or recurrence of dumping. Therefore the Department is publishing notice of the continuation of the antidumping duty order on barium chloride from the PRC.

**EFFECTIVE DATE:** August 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Martha V. Douthit, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-5050.

**SUPPLEMENTARY INFORMATION:**

#### Background

On February 2, 2004, the Department initiated and the International Trade Commission (“ITC”) instituted a sunset review of the antidumping duty order on barium chloride from The People’s Republic of China (“PRC”), pursuant to section 751(c) of the Act.<sup>1</sup> As a result of its review, the Department found that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail were the order to be revoked.<sup>2</sup> On July 23, 2004,

<sup>1</sup> See *Initiation of Five-year (“Sunset”) Reviews*, 69 FR 50 (January 2, 2004).

<sup>2</sup> See *Barium Chloride From The People’s Republic of China; Final Results of the Sunset Review of Antidumping Duty Order*, 69 FR 3171 (June 7, 2004).

the ITC determined pursuant to section 751(c) of the Act, that revocation of the antidumping duty order on barium chloride from the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

#### Scope of the Order

The merchandise covered by this order is barium chloride, a chemical compound having the formula BaCl<sub>2</sub> or BaCl<sub>2</sub>·2H<sub>2</sub>O, currently classifiable under item 2827.38.00 of the Harmonized Tariff Schedules (HTS). HTS items numbers are provided for convenience and customs purposes. The written descriptions remain dispositive.

#### Determination

As a result of the determinations by the Department and ITC that revocation of this antidumping duty order would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty order on barium chloride from the PRC. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to sections 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of this order not later than July 2009.

Dated: July 30, 2004.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[Docket No. A-570-836]

#### Glycine From The People’s Republic of China: Rescission of Antidumping Duty New Shipper Review of Hebei New Donghua Amino Acid Co., Ltd.

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

**SUMMARY:** On May 6, 2003, the Department published the notice of initiation of the new shipper review of the antidumping duty order on glycine

<sup>3</sup> See *Barium Chloride From China*, 69 FR 44059 (July 23, 2004), and USITC Publication 3702 (July 2004) (*Second Review*), Investigation No. 731-TA-149.

from The People's Republic of China (PRC) covering the period March 1, 2002, through February 28, 2003. The new shipper review covered exports by Hebei New Donghua Amino Acid Co., Ltd. (New Donghua). See *Glycine from The People's Republic of China: Initiation of Antidumping New Shipper Review*, 68 FR 23962 (May 6, 2003) (*New Shipper Initiation*). For the reasons discussed below, we are rescinding the review of New Donghua.

**EFFECTIVE DATE:** August 5, 2004.

**FOR FURTHER INFORMATION CONTACT:** Scot Fullerton or Matthew Renkey at (202) 482-1386 and (202) 482-2312, respectively; Office of AD/CVD Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

### Background

We issued the preliminary results of this new shipper review on February 24, 2004. See *Notice of Preliminary Results of Antidumping Duty New Shipper Review: Glycine from The People's Republic of China*, 69 FR 9804 (March 2, 2004) (*Preliminary Results*). Previously, on February 5, 2004, we sent New Donghua a third supplemental questionnaire, which also included a request for information from its U.S. importer. We received the response to the supplemental questionnaire on February 12, 2004. In the *Preliminary Results*, we noted that the response to the third supplemental questionnaire would be evaluated for the purposes of the final results of this review. In the memorandum entitled *Bona Fide Nature of the Sale in the New Shipper Review of Hebei New Donghua Amino Acid Co., Ltd.*, dated February 24, 2004, and accompanying the *Preliminary Results*, we stated that, although questions remained about New Donghua's sale, we preliminarily concluded that its sale was *bona fide*, and that we would continue to examine the issue.

On May 3, 2004, we sent New Donghua a fourth supplemental questionnaire, which again included a request for information from its U.S. importer. We received New Donghua's response to this supplemental questionnaire in two submissions, one dated May 13, 2004, and the other dated May 20, 2004. On May 20, 2004, the Department extended the due date for the final results to July 23, 2004. See *Notice of Extension of Time Limit of Final Results of New Shipper Review: Glycine from The People's Republic of China*, 69 FR 29922 (May 26, 2004) (*Final Extension Notice*). In the *Final*

*Extension Notice*, one of the reasons stated for extending the final results was the issue of the *bona fide* nature of New Donghua's sale.

We received case briefs from petitions (Dow Chemical Company and Chattem Chemicals, Inc.) and New Donghua on June 17, 2004, and on June 22, 2004, both parties filed rebuttal briefs. On June 30, 2004, we sent a letter to New Donghua stating that we were rejecting its case brief on the basis that it contained new factual information. On July 16, 2004, after evaluating comments from New Donghua and petitioners on the rejection issue, we confirmed our decision to reject New Donghua's case brief. New Donghua re-filed its case brief, minus the new factual information, on July 19, 2004.

In addition to commenting on the *bona fide* nature of New Donghua's U.S. sale, parties' briefs also addressed several other issues: (1) Whether the Department should continue to apply partial adverse facts available (AFA) to New Donghua as it did in the *Preliminary Results*, (2) whether the Department should apply total AFA to New Donghua, (3) what the Department should use as the surrogate value for monochloroacetic acid, (4) what the Department should use as the surrogate for the financial ratios, and (5) whether or not to include foremen in New Donghua's labor factor calculation. Since, as discussed below, we are rescinding this review, we need not address the parties' comments on these issues.

### Scope of the Antidumping Duty Order

The product covered by this antidumping duty order is glycine, which is a free-flowing crystalline material, like salt or sugar. Glycine is produced at varying levels of purity and is used as a sweetener/taste enhancer, a buffering agent, reabsorbable amino acid, chemical intermediate, and a metal complexing agent. Glycine is currently classifiable under subheading 2922.49.4020 of the Harmonized Tariff Schedule of the United States (HTSUS). This order covers glycine of all purity levels. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

### Rescission of Review

The Department takes its responsibility to review the *bona fides* of new shipper sales very seriously. Therefore, we examine a number of factors, all of which may speak to the commercial realities surrounding the sale of subject merchandise. Our

analysis of the *bona fides* of New Donghua's U.S. sale and our decision to rescind the new shipper review are based on the totality of the circumstances surrounding this single sale. Because much of the information necessary to our analysis of *bona fides* is business proprietary, we have addressed the *bona fide* issue and all of the parties' comments on *bona fides* in the *Memorandum from Gary Taverman to James J. Jochum; The Bona Fides Analysis for Hebei New Donghua Amino Acid Co., Ltd.'s Sale in the New Shipper Review of Glycine from The People's Republic of China (Rescission Memo)*, issued concurrently with this notice. The Department has determined that the new shipper sale made by New Donghua was not *bona fide* because (1) the price for New Donghua's sale of glycine was not commercially reasonable when compared to the prices of other imports of glycine from the PRC and global market prices, (2) the quantity of New Donghua's glycine sale is low in comparison with other U.S. glycine imports from the PRC, and (3) the sale was not consistent with the normal business practices between a buyer and seller and was otherwise not commercially reasonable. *Id.* at 20-21. Taken as a whole, these facts lead the Department to conclude that the sale was not commercially reasonable or *bona fide*. As a result, we are rescinding this new shipper review.

### Call Deposit Requirements

The Department will notify U.S. Customs and Border Protection (CBP) that bonding is no longer permitted to fulfill security requirements for shipments from New Donghua of glycine from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this notice of rescission of antidumping duty new shipper review in the **Federal Register**. Further, effective upon publication of this notice for all shipments of the subject merchandise exported by New Donghua and entered, or withdrawn from warehouse, for consumption, the cash deposit rate will be the PRC-wide rate of 155.89 percent *ad valorem*.

### Assessment of Antidumping Duties

The Department shall instruct CBP to assess antidumping duties on all appropriate entries. Since we are rescinding this antidumping duty new shipper review with respect to New Donghua, the PRC-wide rate of 155.89 percent in effect at the time of entry applies to all exports of glycine from the PRC by New Donghua entered or withdrawn from warehouse for

consumption during the period of review (March 1, 2002, through February 28, 2003). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice of rescission of antidumping duty new shipper review.

#### Notification to Importers

This notice also serves as a reminder to importers of their responsibility under § 351.402(f) of the Department regulations 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 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 disposition of proprietary information disclosed under APO in accordance with section 351.305(a)(3) of the Department regulations. Timely written notification of the return/destruction of APO material 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 sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: July 23, 2004.

**Holly A. Kuga,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 04-17917 Filed 8-4-04; 8:45 am]

**BILLING CODE 3510-DS-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-863]

#### Honey From The People's Republic of China: Initiation of New Shipper Antidumping Duty Review

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

**EFFECTIVE DATE:** August 5, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Steve Williams at (202) 482-4619 or Jim Nunno at (202) 482-0783, 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:**

#### Background

The Department received a timely request from Foodworld International Club Limited ("Foodworld") in accordance with 19 CFR 351.214 (c), for a new shipper review 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). Foodworld identified itself as the exporter of honey produced by its producer Anhui Tianxin Bee Products Co., Ltd. ("Anhui Tianxin"). As required by 19 CFR 351.214(b)(2)(i), (ii), and (iii)(A), Foodworld and Anhui Tianxin Bee Products each certified that they did not export honey to the United States during the period of investigation ("POI"), and that they have never been affiliated with any exporter or producer which exported honey during the POI. Furthermore, each company has also certified that their 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), Foodworld 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 any subsequent shipment and the date of the first sale to an unaffiliated customer in the United States.

On July 13, 2004 and July 16, 2004 the Department issued pre-initiation supplemental questionnaires to Foodworld to clarify company information submitted in their requests to the Department for a new shipper review. In Foodworld's supplemental questionnaire response, dated July 21, Foodworld adequately responded to the Department's request for clarification on Customs documents attached to Foodworld's new shipper review request. Foodworld also provided state incorporation documents for the importer of record at the Department's request.

The Department conducted Customs database queries to determine whether Foodworld's shipment had officially entered the United States via assignment of an entry date in the

Customs database by the U.S. Customs and Border Protection (CBP). In addition, the Department confirmed through research in PIERS and State incorporation records that Foodworld International and the importer of record appear to be bona fide companies.

#### Scope

The merchandise under review is honey from the PRC. The products covered are natural honey, artificial honey containing more than fifty percent natural honey by weight, preparations of natural honey containing more than fifty 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) of the Act, as amended, and 19 CFR 351.214(d)(1), and based on information on the record, we are initiating a new shipper review for Foodworld. *See Memoranda to the File through Edward C. Yang, "New Shipper Review Initiation Checklist,"* dated July 30, 2004. We intend to issue the preliminary results of this review not later than 180 days after the date on which this review was initiated, and the final results of this review within 90 days after the date on which the preliminary results were issued.

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

Antidumping duty proceeding	Period to be reviewed
Exporter: Foodworld International Club Limited. Producer: Anhui Tianxin Bee Products Co., Ltd.	12/01/03-05/31/04

It is the Department's usual practice in cases involving non-market economies