

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-863]

## Honey from the People's Republic of China: Final Results of Antidumping Duty New Shipper Review

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

**SUMMARY:** On July 3, 2007, the Department of Commerce ("the Department") published the preliminary results of its new shipper review of the antidumping duty order on honey from the People's Republic of China ("PRC") for the period December 1, 2005, through June 30, 2006. See *Honey from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review*, 72 FR 36422 (July 3, 2007) ("Preliminary Results"). Based on our analysis of the record, including information obtained since the preliminary results, we continue to apply adverse facts available ("AFA") with respect to Shanghai Bloom International Trading Co., Ltd. ("Shanghai Bloom"), which failed to cooperate to the best of its ability, provided unverifiable information, and impeded the proceeding. See Adverse Facts Available section, below.

**EFFECTIVE DATE:** November 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** Erin Begnal or Michael Quigley, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-1442 or (202) 482-4047, respectively.

## Background

On July 3, 2007, the Department of Commerce ("Department") published the preliminary results of the new shipper review of the antidumping duty order on honey from the People's Republic of China for the period December 1, 2005, through June 30, 2006. See *Preliminary Results*. On September 25, 2007, the Department extended the final results by thirty days. See *Notice of Extension of the Final Results of Antidumping Duty New Shipper Review: Honey From the People's Republic of China*, 72 FR 54436 (September 25, 2007). On October 31, 2007, the Department fully extended the final results. See *Notice of Extension of the Final Results of Antidumping Duty New Shipper Review: Honey from the People's Republic of China*, 72 FR 61622 (October 31, 2007). On August 2, 2007,

the Department received a case brief on behalf of Shanghai Bloom. On August 8, 2007, the Department received a rebuttal brief on behalf of petitioners, the American Honey Producers Association and the Sioux Honey Association.

## Scope of Order

The products covered by this order 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, 1702.90.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under order is dispositive.

## Analysis of Comments Received

In the case and rebuttal briefs received from the parties after the *Preliminary Results*, we received comments on issues related to the Department's preliminary application of AFA to Shanghai Bloom including the factors of production and completeness. All issues raised in the case briefs are addressed in the *Issues and Decision Memorandum*, which is hereby adopted by this notice. A list of the issues raised, all of which are in the *Issues and Decision Memorandum*, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum on file in the Central Records Unit ("CRU"), room B-099 of the Herbert C. Hoover Building. In addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://www.trade.gov/ia>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

## Separate Rates

In our preliminary results, we found that Shanghai Bloom had met the criteria for the application of a separate antidumping duty rate. See *Preliminary Results*. We have not received any information since the *Preliminary Results* with respect to Shanghai Bloom which would warrant reconsideration of our separate-rates determination with

respect to this company. Therefore, for these final results, we determine that Shanghai Bloom has met the criteria for the application of a separate rate.

## Changes Since the Preliminary Results

Based on the comments received from the interested parties, we have made no changes to the preliminary results. For the final results, we have adopted our positions in the preliminary results. We continue to find that the application of total adverse facts available is warranted for Shanghai Bloom pursuant to sections 776(a)(2)(A), (C), and (D) and 776(b) of the Tariff Act of 1930, as amended ("the Act"). For a discussion, see the *Issues and Decision Memorandum* at Comments 1.

## Final Results of Review

We determine that the following margin exists during the period December 1, 2005, through June 30, 2006:<sup>1</sup>

## HONEY FROM THE PRC

Manufacturer/Exporter	Weighted-Average Margin (Percent)
Linxiang Jindeya Beekeeping Co., Ltd./ Shanghai Bloom International Trading Co., Ltd.	221.02

## Assessment of Antidumping Duties

The Department will determine, and CBP shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review.

## Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this new shipper review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) for subject merchandise exported by Shanghai Bloom, the cash-deposit rate will be equal to 221.02 percent; (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above

<sup>1</sup> For these final results, the AFA margin we are using is 221.02, which is the highest rate established in *Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 72 FR 37715 (July 11, 2007), published subsequent to the preliminary results of this new shipper review.

that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recent period; (3) for all PRC exporters of subject merchandise which have not been found to be entitled to a separate rate, the cash deposit rate will be the PRC-wide rate of 221.02 percent; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporters that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) 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.

These reviews and notice are in accordance with sections 751(a)(1), 751(a)(2) and 777(i)(1) of the Act and 19 CFR 351.221(b)(5).

Dated: November 23, 2007.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-570-915]

#### Light-walled Rectangular Pipe and Tube from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination with Final Antidumping Duty Determination

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

**SUMMARY:** The Department of Commerce preliminarily determines that countervailable subsidies are being provided to producers and exporters of light-walled rectangular pipe and tube from the People's Republic of China. For information on the estimated subsidy

rates, see the "Suspension of Liquidation" section of this notice.

**EFFECTIVE DATE:** November 30, 2007.

**FOR FURTHER INFORMATION CONTACT:** Damian Felton or Shane Subler, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0133 and (202) 482-0189, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Case History

The following events have occurred since the publication of the Department of Commerce's (the Department) notice of initiation in the **Federal Register**. See *Notice of Initiation of Countervailing Duty Investigation: Light-Walled Rectangular Pipe and Tube from the People's Republic of China*, 72 FR 40281 (July 24, 2007) (*Initiation Notice*).

On August 7, 2007, the Department selected the two largest Chinese producers/exporters of light-walled rectangular pipe and tube (LWRP), Qingdao Xiangxing Steel Pipe Co., Ltd. (Qingdao) and Zhangjiagang Zhongyuan Pipe-Making Co., Ltd. (ZZPC), as mandatory respondents. See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, "Respondent Selection" (August 4, 2007). This memorandum is on file in the Department's Central Records Unit in Room B-099 of the main Department building (CRU). On August 7, 2007, we issued the countervailing duty (CVD) questionnaire to the Government of the People's Republic of China (GOC), Qingdao and ZZPC.

On August 22, 2007, the International Trade Commission (ITC) issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of allegedly subsidized imports of LWRP from the People's Republic of China (PRC). See *Light-Walled Rectangular Pipe and Tube from China, Korea, Mexico and Turkey*, Investigation Nos. 701-TA-449 and 731-TA-1118-1121, 72 FR 49310 (Preliminary) (August 28, 2007).

On August 24, 2007, we published a postponement of the preliminary determination of this investigation until November 26, 2007. See *Light-Walled Rectangular Pipe and Tube from the People's Republic of China: Notice of Postponement of Preliminary Determination in the Countervailing Duty Investigation*, 72 FR 48618 (August 24, 2007).

Petitioners<sup>1</sup> filed a new subsidy allegation on August 29, 2007. The GOC submitted comments responding to petitioners' new subsidy allegation on September 10, 2007. On September 20, 2007, the Department determined to investigate aspects of the newly alleged subsidy relating to currency retention. See Memorandum to Susan Kubbach, Director, AD/CVD Operations, Office 1, "New Subsidy Allegation" (September 20, 2007). Questions regarding this newly alleged subsidy were sent to the GOC and the respondent companies on September 20, 2007.

We received responses to our CVD questionnaires from ZZPC, the GOC, and a voluntary respondent, Kunshan Lets Win Steel Machinery Co., Ltd. ("Lets Win") on September 27, 2007, September 28, 2007, October 1, 2007, October 2, 2007, and October 3, 2007. Qingdao, however, did not respond to the Department's CVD questionnaire. The petitioners filed comments on the responses from ZZPC and Lets Win on October 9, 2007, and comments on the GOC's responses on October 17, 2007.

On October 15, 2007, the Department accepted Lets Win as a voluntary respondent to the proceeding pursuant to 19 CFR 351.204(d). See Memorandum to Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, "Voluntary Respondent Selection" (October 15, 2007). Then, on October 24, 2007, the Department issued a letter giving Qingdao a final opportunity to respond to the CVD questionnaire issued on August 7, 2007. We never received a CVD questionnaire response from Qingdao. We address the use of facts otherwise available for Qindago below.

We issued supplemental questionnaires as follows: the GOC on October 16, 2007, October 24, 2007, and November 19, 2007; Lets Win on October 17, 2007; and ZZPC on October 17 and October 18, 2007. We received responses to these supplemental questionnaires as follows: the GOC on October 23, 2007, November 7, 2007 and November 21, 2007; ZZPC on November 5, 2007, and November 14, 2007; and Lets Win on October 31, 2007. We received a corrected response from ZZPC on November 23, 2007, but are not considering this submission for the purposes of this preliminary determination. This submission came three days before the preliminary

<sup>1</sup> Allied Tube & Conduit; Atlas Tube; Bull Moose Tube Company; California Steel and Tube; EXLTUBE; Hannibal Industries; Levitt Tube Company LLC; Maruichi American Corporation; Searing Industries; Southland Tube; Vest Inc.; Welded Tube; and Western Tube and Conduit (collectively, petitioners).