

751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: December 4, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

(A-570-863)

Honey From the People's Republic of China: Notice of Court Decision Not in Harmony with Final Results of Administrative Review

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

SUMMARY: On November 18, 2008, the United States Court of International Trade ("CIT") sustained the remand redetermination issued by the Department of Commerce ("Department") pursuant to the CIT's remand order in the final results of the administrative review of the antidumping duty order on honey from the People's Republic of China. *See Shanghai Eswell Enterprise Co., Ltd., et. al. v. United States*, Court No. 05-00439, Slip Op. 08-124 (CIT November 18, 2008) ("*Eswell II*"). This case arose from the Department's final results for the period of review ("POR") December 1, 2002, through November 30, 2003. *See Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 70 FR 38873 (July 6, 2005) ("*Final Results*"). Consistent with the decision of the United States Court of Appeals for the Federal Circuit ("CAFC") in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the Department is notifying the public that *Eswell II* is not in harmony with the Department's Final Results.

EFFECTIVE DATE: December 11, 2008.

FOR FURTHER INFORMATION CONTACT: Paul Walker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW, Washington, DC 20230; telephone: (202) 482-0413.

SUPPLEMENTARY INFORMATION: On September 13, 2007, the CIT remanded the following issues to the Department for further administrative proceedings consistent with its opinion and Order: 1) the calculation of the raw honey surrogate value; 2) the calculation of

surrogate financial ratios with respect to (a) the treatment of honey sales commissions and (b) the treatment of jars, corks, and honey machine purchases; and 3) the use of export price sales for Jinfu Trading Co., Ltd.'s ("Jinfu") U.S. sales. *See Shanghai Eswell Enterprise Co., Ltd., et. al. v. United States*, Slip Op. 07-138 (CIT September 13, 2007) ("*Eswell I*"), at 17-18. Pursuant to the CIT's remand instructions, we: 1) addressed record evidence which indicated a decline in export prices during the second half of the POR and explained why we have refrained from considering these data in calculating a surrogate value for raw honey; 2) (a) discussed evidence which reflects an exact correlation between the selling commission expenses incurred by respondents, and those incurred by the surrogate financial company and further explained our decision in the *Final Results* that the record evidence was insufficient to permit a circumstances of sale adjustment, as well as (b) revised our financial ratio calculations to include reported expenses for jars and corks as direct materials used for producing finished honey and provided further explanation regarding our finding that honey machine purchases do not constitute direct expenses; and 3) addressed the CIT's findings with respect to operational control, and explained our continued finding, in accordance with our decision in the *Final Results of Redetermination Pursuant to Court Remand: Jinfu Trading Co., Ltd. v. United States*, Court No. 04-00597, Slip Op. 07-95 (CIT June 13, 2007).

On January 15, 2008, the Department released the *Draft Results of Redetermination Pursuant to Court Remand* to interested parties. On January 22 and January 24, 2008, we received comments on the draft results of redetermination from interested parties. On February 11, 2008, the Department filed its final results of redetermination pursuant to *Eswell I* with the CIT. *See Final Results of Redetermination Pursuant to Court Remand: Shanghai Eswell Enterprise Co., Ltd. v. United States*, Court No. 06-00430 (February 11, 2008). In responding to the CIT's questions and reassessing the record evidence, we determined it was appropriate to revise our financial ratio calculations to include, as direct materials used to producing finished honey, expenses for jars and corks. Thus, the Department revised, as appropriate, the surrogate financial ratios of the margin calculations for Eswell Enterprise Co., Ltd., Jinfu and Zhejiang Native Produce

and Animal By-Products Import & Export Group Corp. On November 18, 2008, the CIT sustained all aspects of the redetermination made by the Department pursuant to the CIT's remand of the *Final Results*.

In *Timken*, 893 F.2d at 341, the CAFC held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended ("Act"), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT's decision in *Eswell II* on November 18, 2008, constitutes a decision of the court that is not in harmony with the Department's *Final Results*. This notice is published in fulfillment of the publication requirements of *Timken*. Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal or, if appealed, pending a final and conclusive court decision. In the event the CIT's ruling is not appealed or, if appealed, upheld by the CAFC, the Department will publish an amended final results and instruct U.S. Customs and Border Protection to revise the cash deposit rates covering the subject merchandise and to assess antidumping duties on entries of the subject merchandise during the POR based on the revised assessment rates calculated by the Department.

This notice is issued and published in accordance with section 516A(c)(1) of the Act.

Dated: December 5, 2008.

David M. Spooner,

Assistant Secretary for Import Administration.

[FR Doc. E8-29486 Filed 12-10-08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-421-811]

Purified Carboxymethylcellulose From the Netherlands: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On August 7, 2008, the Department of Commerce (Department) published the preliminary results of the administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from the

Netherlands. *See Purified Carboxymethylcellulose from the Netherlands; Preliminary Results of Antidumping Duty Administrative Review*, 73 FR 45943 (August 7, 2008) (*Preliminary Results*). The merchandise covered by the order is purified CMC as described in the "Scope of the Order" section of this notice. The period of review (POR) is July 1, 2006, through June 30, 2007. In our *Preliminary Results*, we invited parties to comment. We received comments from interested parties and have made no changes to our calculation based on our analysis of the comments received. Therefore, the final results do not differ from those published in the Department's *Preliminary Results*. The final weighted-average dumping margin for the reviewed firm is listed below in the section entitled "Final Results of the Review."

DATES: *Effective Date:* December 11, 2008.

FOR FURTHER INFORMATION CONTACT: Patrick Edwards or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-8029 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2008, the Department published the preliminary results of administrative review of the antidumping duty order covering purified CMC from the Netherlands. *See Preliminary Results*. The parties subject to this review are CP Kelco B.V. and its U.S. affiliates, CP Kelco U.S., Inc. and Huber Engineered Materials (collectively, CP Kelco). The Petitioner in this proceeding is The Aqualon Company, a division of Hercules Incorporated (Petitioner).

We invited interested parties to comment on the *Preliminary Results*. On September 5, 2008, Petitioner filed comments on the *Preliminary Results*. *See* Letter from Haynes & Boone, LLP, regarding "Request for a Public Hearing and Comment in Lieu of a Formal Case Brief," dated September 5, 2008. CP Kelco did not file a case brief in this proceeding. On September 15, 2008, CP Kelco filed its rebuttal to Petitioner's September 5, 2008, submission. *See* Letter from Arent Fox LLP, regarding "Rebuttal Brief of CP Kelco BV," dated September 15, 2008. On September 11, 2008, Petitioner contacted Department officials and withdrew its request for a public hearing. *See* Memorandum to the

File from Robert James, Program Manager, titled, "Withdrawal of Petitioner's Request for Hearing," dated September 11, 2008.

Scope of the Order

The merchandise covered by the order is all purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs are addressed in the "Memorandum to the Assistant Secretary: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review of Purified Carboxymethylcellulose from the Netherlands," dated December 4, 2008 (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 which is on file in the Central Records Unit (CRU), room 1117 of the main Department of Commerce 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.

Based on our analysis of the comments received from the interested parties, we have made no changes to the margin calculations for CP Kelco from the *Preliminary Results*.

Final Results of the Review

We determine the following percentage weighted-average margin exists for the period July 1, 2006, through June 30, 2007:

Manufacturer/exporter	Weighted average margin (percentage)
CP Kelco B.V.	7.02

Assessment

The Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), the Department calculates an assessment rate for each importer of the subject merchandise covered by the review. CP Kelco has reported entered values for all of its sales of subject merchandise to the United States during the POR. Therefore, in accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales of that importer. These rates will be assessed uniformly on all entries the respective importers made during the POR. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department intends to issue assessment instructions directly to CBP 15 days after publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. This clarification will apply to entries of subject merchandise during the POR produced by reviewed companies for which these companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of purified CMC from the Netherlands entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section

751(a)(1) of the Tariff Act of 1930, as amended (the Act): (1) The cash deposit rate for CP Kelco will be the rate established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or previous reviews, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or any previous review or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the all-others rate of 14.57 percent from the LTFV investigation. See *Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands and Sweden*, 70 FR 39734 (July 11, 2005). These cash deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice also 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 doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a 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(a)(3). Timely written 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 that is subject to sanction.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: December 4, 2008.

David M. Spooner,
Assistant Secretary for Import
Administration.

Appendix I—Comment in the Issues and Decision Memorandum:

Comment 1: Whether to Increase CP Kelco B.V.'s Costs of Production for Shut-down Costs Incurred by its Swedish Affiliate.

[FR Doc. E8-29384 Filed 12-10-08; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-401-808]

Purified Carboxymethylcellulose From Sweden: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On August 6, 2008, the Department of Commerce (Department) published the preliminary results of the administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from Sweden. See *Purified Carboxymethylcellulose from Sweden: Preliminary Results of Antidumping Duty Administrative Review*, 73 FR 45703 (August 6, 2008) (*Preliminary Results*). The merchandise covered by this order is purified CMC as described in the "Scope of the Order" section of this notice. The period of review (POR) is July 1, 2006, through June 30, 2007. In our *Preliminary Results*, we invited parties to comment. We received comments from interested parties and, consequently, have made changes to our calculation based on our analysis of the comments received. Therefore, the final results differ from those published in the Department's *Preliminary Results*. The final weighted-average dumping margin for the reviewed firm is listed below in the section titled "Final Results of the Review."

DATES: *Effective Date:* December 11, 2008.

FOR FURTHER INFORMATION CONTACT: Patrick Edwards or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-8029 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 6, 2008, the Department published the preliminary results of administrative review of the antidumping duty order covering purified CMC from Sweden. See *Preliminary Results*. The parties subject to this review are CP Kelco A.B. and its U.S. affiliate, CP Kelco U.S., Inc. (collectively, CP Kelco). The petitioner in this proceeding is The Aqualon Company, a division of Hercules Incorporated (Petitioner).

We invited interested parties to comment on the *Preliminary Results*. On September 5, 2008, Petitioner filed comments on the *Preliminary Results*. See Letter from Haynes & Boone, LLP, regarding "Request for a Public Hearing and Comment in Lieu of a Formal Case Brief," dated September 5, 2008. Also on September 5, 2008, CP Kelco submitted comments on the *Preliminary Results*. See Letter from Arent Fox LLP, regarding "Comments Regarding August 6, 2008 Preliminary Results of Review," dated September 5, 2008. On September 11, 2008, CP Kelco filed its rebuttal to Petitioner's September 5, 2008, submission. See Letter from Arent Fox LLP, regarding "Rebuttal Brief of CP Kelco AB," dated September 11, 2008. Petitioner did not submit a rebuttal brief. On September 11, 2008, Petitioner subsequently contacted Department officials and withdrew its request for a public hearing. See Memorandum to the File from Robert James, Program Manager, titled "Withdrawal of Petitioner's Request for Hearing," dated September 11, 2008.

Scope of the Order

The merchandise covered by the order is all purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent. The merchandise subject to the order is classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes;