

Critical Circumstances

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V. Discussion of the Issues

Comment 1: Use of Exporters' Acquisition Price as a Reasonable Proxy for the Beekeepers' Cost of Production

Comment 2: Whether To Use Quarterly or Monthly Cost Averaging Periods

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Comment 10: ACA's Financial Expenses

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Comment 13: Whether Commerce Should Correct Ministerial Errors in the Calculation of ACA's Margin for the Final Determination

Comment 14: Errors in NEXCO's Reported Direct Material Costs

Comment 15: Errors in Commerce's Direct Material Cost Calculations for NEXCO

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Comment 17: Whether Commerce Should Treat NEXCO's Export Taxes as a U.S. Price Deduction Instead of as a Circumstance of Sale Adjustment

Comment 18: Whether Commerce Should Add a Price Deduction Variable to NEXCO's U.S. Sales Database

Comment 19: Whether To Apply Partial AFA to NEXCO Due to the Unusable Cost Responses Submitted by Its Beekeeper Suppliers

VI. Recommendation

[FR Doc. 2022-07995 Filed 4-13-22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-351-857]

Raw Honey From Brazil: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of raw honey from Brazil are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation April 1, 2020, through March 31, 2021.

DATES: Applicable April 14, 2022.

FOR FURTHER INFORMATION CONTACT:

Genevieve Coen, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3251.

SUPPLEMENTARY INFORMATION:

Background

On November 23, 2021, Commerce published its preliminary determination in the LTFV investigation of raw honey from Brazil, in which we also postponed the final determination until April 7, 2022.¹ For a complete description of the events that followed the *Preliminary Determination*, see the Issues and Decision Memorandum.²

Scope of the Investigation

The product covered by this investigation is raw honey from Brazil. For a complete description of the scope of this investigation, see Appendix I.

Scope Comments

No interested party commented on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, no changes were made to the scope of the investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are

¹ See *Raw Honey from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 66533 (November 23, 2021) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Raw Honey from Brazil," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

addressed in the Issues and Decision Memorandum. For a list of the issues raised by interested parties and addressed in the Issues and Decision Memorandum, see Appendix II to this notice. The Issues and Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).³

Changes Since the Preliminary Determination

Based on the comments received from interested parties and record information, we have relied on facts otherwise available with an adverse inference (AFA) for one of the mandatory respondents in this investigation, Supermel.⁴ For a discussion of these changes, see the Issues and Decision Memorandum.

³ See Commerce's Letters, "In Lieu of On-Site Verification Questionnaire," dated December 9, 2021, and December 10, 2021; see also Melbras' Letter, "Melbras' In Lieu of Verification Questionnaire Response," dated December 17, 2021; and Supermel's Letter, "Supermel's In Lieu of Verification Questionnaire Response," dated December 20, 2021.

⁴ As discussed in the *Preliminary Determination*, Supermel is a trade name and consists of mandatory respondent Apiário Diamante Comercial Exportadora Ltda (Apiário Export) and its affiliate Apiário Diamante Produção e Comercial de Mel Ltda (Apiário Produção) (collectively, Supermel). For the final determination, we find that Apiário Export and Apiário Produção are affiliated within the meaning of section 771(33) of the Act and should be treated as a single entity, collectively referred to as Supermel, pursuant to 19 CFR 351.401(f). No parties commented on this treatment. Accordingly, we have continued to treat these companies as a single entity for this final determination. See Memorandum, "Less-Than-Fair-Value Investigation of Raw Honey from Brazil: Preliminary Affiliation and Single Entity Memorandum for Apiário Diamante Comercial Exportadora Ltda and Apiário Diamante Produção e Comercial de Mel Ltda," dated November 17, 2021.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually investigated shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis*, or

determined entirely under section 776 of the Act.

In this investigation, Commerce has determined a rate for Supermel based entirely on section 776 of the Act. Commerce calculated an individual estimated weighted-average dumping margin for Melbras that is not zero, *de minimis*, or based entirely on facts otherwise available. Because the estimated weighted-average dumping margin for Melbras is the only

individually-calculated dumping margin that is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Melbras is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

Final Determination

The final estimated weighted-average dumping margins are as follows:

| Exporter/producer | Estimated weighted-average dumping margin (percent) |
|---|---|
| Melbras Importadora E Exportadora Agroindustrial Ltda | 7.89 |
| Apiário Diamante Comercial Exportadora Ltda/Apiário Diamante Produção e Comercial de Mel Ltda (Supermel) ⁵ | * 83.72 |
| All Others | 7.89 |

* Margin is based on AFA.

Disclosure

Normally, Commerce discloses to the parties in a proceeding the calculations that it performed in connection with the final determination in accordance with 19 CFR 351.224(b). However, because we made no changes to our preliminary weighted-average dumping margin calculations for Melbras, there are no calculations to disclose for this final determination.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of raw honey from Brazil, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after November 23, 2021, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination*.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), we will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject

merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. These suspension-of-liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the International Trade Commission (ITC) of this final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of raw honey from Brazil no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Order

This notice will serve as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the

destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: April 7, 2022.

Lisa W. Wang,

Assistant Secretary for Enforcement and Compliance.

Appendix I—Scope of the Investigation

The merchandise covered by this investigation is raw honey. Raw honey is honey as it exists in the beehive or as obtained by extraction, settling and skimming, or coarse straining. Raw honey has not been filtered to a level that results in the removal of most or all of the pollen, *e.g.*, a level that removes pollen to below 25 microns. The subject products include all grades, floral sources and colors of raw honey and also include organic raw honey.

Excluded from the scope is any honey that is packaged for retail sale (*e.g.*, in bottles or other retail containers of five (5) lbs. or less).

The merchandise subject to this investigation is currently classifiable under statistical subheading 0409.00.0005, 0409.00.0035, 0409.00.0045, 0409.00.0056, and 0409.00.0065 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

⁵As noted above, we find that Apiário Export and Apiário Produção constitute a single entity in this proceeding.

Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Changes Since the *Preliminary Determination*
- IV. Discussion of the Issues
 - Comment 1: Whether to Base Supermel's Final Dumping Margin on Total Adverse Facts Available (AFA)
 - Comment 2: Whether Beekeeper 2 Inappropriately Submitted New Factual Information
 - Comment 3: Moot Arguments for Supermel
 - Comment 4: Date of Sale
 - Comment 5: Whether Commerce Should Apply AFA to Melbras' Acquisition Costs
 - Comment 6: Whether Commerce Should Revise Melbras' Inland Freight Expenses Using Partial AFA or Neutral Facts Available
- V. Recommendation

[FR Doc. 2022-07996 Filed 4-13-22; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-552-833]

Raw Honey From the Socialist Republic of Vietnam: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of raw honey from the Socialist Republic of Vietnam (Vietnam) are being, or are likely to be, sold in the United States at less than fair value (LTFV) for the period of investigation (POI) October 1, 2020, through March 31, 2021.

DATES: Applicable April 14, 2022.

FOR FURTHER INFORMATION CONTACT: Jonathan Hill or Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3518 or (202) 482-4031, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 23, 2021, Commerce published the *Preliminary Determination* in the LTFV investigation of raw honey from Vietnam, in which it also postponed the final determination

until April 7, 2022.¹ Additionally, on January 13, 2021, Commerce published the *Preliminary Determination of Critical Circumstances* in the LTFV investigation of raw honey from Vietnam.² The petitioners in this investigation are the American Honey Producers Association and Sioux Honey Association (collectively, the petitioners). The two mandatory respondents in this investigation are Ban Me Thuot Honeybee Joint Stock Company (Ban Me Thuot) and Daklak Honeybee Joint Stock Company (DakHoney).³ We invited interested parties to comment on the *Preliminary Determination*.⁴ For a complete summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, see Issues and Decision Memorandum.⁵

The Issues and Decision

Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Scope of the Investigation

The product covered by this investigation is raw honey from Vietnam. For a full description of the scope of this investigation, see Appendix I.

¹ See *Raw Honey from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 86 FR 66526 (November 23, 2021) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

² See *Raw Honey from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Critical Circumstances in the Less-Than-Fair-Value Investigation*, 87 FR 2127 (January 13, 2022), corrected by *Raw Honey from the Socialist Republic of Vietnam: Preliminary Affirmative Determination of Critical Circumstances in the Less-Than-Fair-Value Investigation; Correction*, 87 FR 7800 (February 10, 2022) (collectively, *Preliminary Critical Circumstances Determination*).

³ See Memorandum, "Less-Than-Fair-Value Investigation of Raw Honey from the Socialist Republic of Vietnam: Selection of Mandatory Respondents for Individual Examination," dated June 15, 2021.

⁴ See *Preliminary Determination*, 86 FR at 66526.

⁵ See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Raw Honey from the Socialist Republic of Vietnam," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope Comments

Commerce received no comments from interested parties regarding the scope of this investigation. Accordingly, Commerce has not modified the scope language from the *Preliminary Determination*.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).⁶

Methodology

Commerce conducted this investigation in accordance with section 731 of the Act. Export price was calculated in accordance with section 772(a) of the Act. Because Vietnam is a non-market economy within the meaning of section 771(18) of the Act, normal value was calculated in accordance with section 773(c) of the Act. For a full description of the methodology underlying Commerce's determination, see the Preliminary Decision Memorandum; see also the Issues and Decision Memorandum.

Vietnam-Wide Entity

For the reasons explained in our *Preliminary Determination*, we continue to find that neither the Vietnam-wide entity nor any company which is part of the Vietnam-wide entity has failed to cooperate in this investigation. Therefore, in accordance with our practice, to determine the estimated weighted-average dumping margin for the Vietnam-wide entity, Commerce assigns to the Vietnam-wide entity a rate equal to the average of publicly available ranged U.S. sales quantities of the mandatory respondents.

⁶ See Commerce's Letters, "Supplemental Questionnaire In-Lieu of Onsite Verification," dated December 6, 2021.