

DEPARTMENT OF COMMERCE**International Trade Administration****[A-570-855]****Certain Non-Frozen Apple Juice Concentrate From the People's Republic of China: Preliminary Results of 2001-2002 Administrative Review and New Shipper Review, and Partial Rescission of Administrative Review**

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

ACTION: Notice of preliminary results of 2001-2002 administrative review and new shipper review, and partial rescission of review.

SUMMARY: The Department of Commerce is currently conducting the second administrative review and a new shipper review of the antidumping duty order on non-frozen apple juice concentrate from the People's Republic of China, covering the period June 1, 2001, through May 31, 2002.

The new shipper review covers one exporter: Gansu Tongda Fruit Juice and Beverage Company. We preliminarily determine that sales of non-frozen apple juice concentrate from the People's Republic of China were not made below normal value during the period of review by Gansu Tongda Fruit Juice and Beverage Company.

The administrative review covers five exporters: Shaanxi Haisheng Fresh Fruit Juice Co., Ltd., Yantai Oriental Juice Co., Ltd., SDIC Zhonglu Fruit Juice Co., Ltd., Sanmenxia Lakeside Fruit Juice Co., Ltd., and Changsha Industrial Products & Minerals Import and Export Co., Ltd. We preliminarily determine that sales of non-frozen apple juice concentrate from the People's Republic of China were not made below normal value during the period of review by Shaanxi Haisheng Fresh Fruit Juice Co., Ltd., Yantai Oriental Juice Co., Ltd., SDIC Zhonglu Fruit Juice Co., Ltd., and Sanmenxia Lakeside Fruit Juice Co., Ltd.

Changsha Industrial Products & Minerals Import and Export Co., Ltd. did not respond to the Department's questionnaire and will receive the facts available rate. See "*Use of Fact Otherwise Available*" section, below.

If these preliminary results are adopted in our final results of review, we will instruct the U.S. Bureau of Customs and Border Protection to liquidate appropriate entries for Gansu Tongda Fruit Juice and Beverage Company without regard for antidumping duties. However, with respect to Shaanxi Haisheng Fresh Fruit Juice Co., Ltd., Yantai Oriental Juice Co.,

Ltd., SDIC Zhonglu Fruit Juice Co., Ltd., Sanmenxia Lakeside Fruit Juice Co., Ltd., and Changsha Industrial Products & Minerals Import and Export Co., Ltd., there is an injunction in place from the investigation and ongoing litigation. Therefore, entries will not be liquidated until the conclusion of the litigation.

Interested parties are invited to comment on these preliminary results. We will issue the final results no later than 120 days from the date of publication of this notice.

EFFECTIVE DATE: July 7, 2003.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:**Period of Review**

The period of review ("POR") is June 1, 2001 through May 31, 2002.

Background

On June 5, 2000, the Department published in the **Federal Register** (65 FR 35606) the antidumping duty order on certain non-frozen apple juice concentrate ("AJC") from the People's Republic of China ("PRC"). On June 5, 2002, the Department notified interested parties of the opportunity to request an administrative review of this order (67 FR 38640). On June 24, 2002, Shaanxi Haisheng Fresh Fruit Juice Co., Ltd. ("Haisheng"), Yantai Oriental Juice Co., Ltd. ("Oriental"), and SDIC Zhonglu Fruit Juice Co., Ltd. ("Zhonglu") requested an administrative review. On June 28, 2002, Coloma Frozen Foods, Inc., Green Valley Packers, Knouse Foods Cooperative, Inc., Mason County Fruit Packers Co-op, Inc., and Tree Top, Inc., (collectively, "the petitioners"), requested that the Department conduct an administrative review of the antidumping order for Haisheng, Sanmenxia Lakeside Fruit Juice Co., Ltd. ("Lakeside"), Zhonglu, Oriental, Qingdao Nannan Foods Co., Ltd. ("Nannan"), Xian Asia Qin Fruit Co., Ltd. ("Xian Asia"), Xian Yang Fuan Fruit Juice Co., Ltd. ("Xian Yang"), Changsha Industrial Products & Minerals Import and Export Co., Ltd. ("Changsha"), Shandong Foodstuffs Import and Export Corporation ("Shandong"), Shaanxi Hengxing Fruit Juice Co., Ltd. ("Hengxing"), Shaanxi Machinery and Equipment Import and Export Corporation ("SAAME"), Shaanxi Gold Peter Natural Drink Co., Ltd. ("Gold

Peter"), and Yantai North Andre Juice Co., Ltd. ("North Andre").

On July 10, 2002, North Andre objected to the petitioners' request for an administrative review of North Andre because it received a zero percent margin in the less-than-fair-value ("LTFV") investigation, and thus, is excluded from the order. See *Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Certain Non-Frozen Apple Juice From the People's Republic of China*, 65 FR 35606 (June 5, 2000 ("Final Determination")). Therefore, the Department did not initiate a review for North Andre.

In accordance with 19 CFR 351.221(b)(1), on July 24, 2002, we published a notice of initiation of this antidumping duty administrative review (67 FR 48435) for Zhonglu, Oriental, Lakeside, Changsha, Haisheng, Nannan, Xian Asia, Xian Yang, Shandong, Hengxing, SAAME, and Gold Peter.

On June 25, 2002, the Department received a request from Gansu Tongda Fruit Juice and Beverage Company ("Gansu Tongda") to conduct a new shipper review. On July 24, 2002, we initiated a new shipper review of the antidumping order on AJC from the PRC. See *Non-Frozen Apple Juice Concentrate From the People's Republic of China: Initiation of Antidumping New Shipper Review*, 67 FR 48440. On July 26, 2002 Gansu Tongda waived the time limits applicable to the new shipper review and agreed to permit the Department to conduct the new shipper review concurrently with the annual administrative review for 2001-2002.

On August 2, 2002, the Department sent questionnaire to all respondents and to the Chinese Chamber of Commerce for the Import and Export of Foodstuffs, Native Produce & Animal By-Products ("China Chamber"), with a copy to the Embassy of the PRC in the United States, requesting that the China Chamber also forward the questionnaire to the respondents named in the initiation notice.

Following the issuance of questionnaire, the following parties reported that they had no shipments during the POR: Shandong, Nannan, SAAME, Hengxing, Xian Asia, Gold Peter, and Xian Yang. See "*Partial Rescission*" section, below.

In September 2002, we received responses the questionnaire from the following companies: Haisheng, Lakeside, Oriental, Zhonglu and Gansu Tongda. Changsha did not respond to the Department's original questionnaire. See "*Use of Fact Otherwise Available*" section, below.