

Dated: July 24, 2003.

Margaret J. Boland,

Designated Federal Official, Klamath PAC.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-847]

Persulfates From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on persulfates from the People's Republic of China in response to a request by the petitioner, FMC Corporation, and one exporter of subject merchandise, Shanghai Ai Jian Import and Export Corporation. The period of review is July 1, 2001, through June 30, 2002.

We have preliminarily determined that U.S. sales have been made at not less than normal value. If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess no antidumping duties on the exports subject to this review.

EFFECTIVE DATE: July 31, 2003.

FOR FURTHER INFORMATION CONTACT: Mike Strollo or Gregory E. Kalbaugh, AD/CVD Enforcement, Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0629 and (202) 482-3693, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 2002, the Department published in the **Federal Register** a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order on persulfates from the People's Republic of China (PRC) covering the period July 1, 2001, through June 30, 2002. See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 67 FR 44172 (July 1, 2002).

On July 31, 2002, in accordance with 19 CFR 351.213(b), the petitioner, FMC Corporation, requested an administrative review of Shanghai Ai

Jian Import & Export Corporation. In addition, on July 31, 2002, in accordance with 19 CFR 351.222(b), Shanghai Ai Jian Import and Export Corporation and Shanghai Ai Jian Reagent Works (collectively, Ai Jian) requested an administrative review. In its request for an administrative review, Ai Jian also requested that the Department partially revoke the antidumping duty order on persulfates with respect to Ai Jian's sales of subject merchandise. We published a notice of initiation of this review on August 27, 2002. See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 67 FR 55000 (August 27, 2002) (Persulfates Initiation).

On August 1, 2002, we issued an antidumping questionnaire to Ai Jian. We received Ai Jian's timely responses to sections A, C and D of the questionnaire on October 15, 2002.

We issued a supplemental questionnaire to Ai Jian on December 10, 2002. We received Ai Jian's response to this supplemental questionnaire on January 6, 2003.

On January 10, 2003, the petitioner submitted publicly available information for consideration in valuing the factors of production. On January 17, 2003, Ai Jian provided rebuttal comments regarding the surrogate values submitted by the petitioner.

On February 12, 2003, we issued a second supplemental questionnaire to Ai Jian.

On February 19, 2003, the petitioners submitted information regarding the purported impact revocation of the antidumping duty order on Ai Jian would have upon the domestic industry.

On February 27, 2003, Ai Jian submitted a response to the second supplemental questionnaire.

On March 11, 2003, we issued a third supplemental questionnaire to Ai Jian. Ai Jian submitted its response on March 19, 2003.

Also, on March 19, 2003, Ai Jian withdrew its request for revocation. Accordingly, we have not considered this request further in this segment of the proceeding.

Scope of Review

The products covered by this review are persulfates, including ammonium, potassium, and sodium persulfates. The chemical formula for these persulfates are, respectively, $(\text{NH}_4)_2\text{S}_2\text{O}_8$, $\text{K}_2\text{S}_2\text{O}_8$, and $\text{Na}_2\text{S}_2\text{O}_8$. Potassium persulfates are currently classifiable under subheading 2833.40.10 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Sodium persulfates are classifiable under HTSUS subheading 2833.40.20.

Ammonium and other persulfates are classifiable under HTSUS subheadings 2833.40.50 and 2833.40.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

Separate Rates

It is the Department's policy to assign all exporters of the merchandise subject to review in non-market-economy (NME) countries a single rate, unless an exporter can demonstrate an absence of government control, both in law and in fact, with respect to exports. To establish whether an exporter is sufficiently independent of government control to be entitled to a separate rate, the Department analyzes the exporter in light of the criteria established in the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China*, 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China*, 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Evidence supporting, though not requiring, a finding of de jure absence of government control over export activities includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. With respect to evidence of a de facto absence of government control, the Department considers the following four factors: (1) Whether the respondent sets its own export prices independently from the government and other exporters; (2) whether the respondent can retain the proceeds from its export sales; (3) whether the respondent has the authority to negotiate and sign contracts; and (4) whether the respondent has autonomy from the government regarding the selection of management. See *Silicon Carbide*, 59 FR at 22587; see also *Sparklers*, 56 FR at 20589.

With respect to Ai Jian, for purposes of our final results covering the period of review (POR) July 1, 2000, through June 30, 2001, the Department determined that there was an absence of de jure and de facto government control of its export activities and determined that it warranted a company-specific dumping margin. See *Persulfates From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 68 FR 6712, (February 10, 2003) (*Persulfates Fourth*