

Ltd. ("Oriental"), Sanmenxia Lakeside Fruit Juice Co., Ltd. ("Lakeside"), and Changsha Industrial Products & Minerals Import and Export Co., Ltd. ("Changsha"). On July 26, 2002, Gansu Tongda Fruit Juice and Beverage Company ("Gansu Tongda") agreed to align the new shipper review with the second administrative review; therefore, the concurrent new shipper review covers one producer/exporter: Gansu Tongda.

In September 2003, we conducted verification of the questionnaire responses submitted by Gansu Tongda. We issued a verification report on October 8, 2003.

We invited parties to comment on the *Preliminary Results* and the Verification Report. On October 20, 2003, we received a combined case brief from Haisheng, Zhonglu, Oriental, and Gansu Tongda. No rebuttal briefs were submitted. No hearing was held because respondents withdrew their request for a hearing in a letter dated October 23, 2003.

On October 22, 2003, the Department published in the **Federal Register** a *Notice of Extension of Time Limit for the Final Results of the Second Administrative Review and New Shipper Review*, 68 FR 60338.

The Department has conducted this administrative review and new shipper review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act").

Scope of Review

The product covered by this order is certain non-frozen apple juice concentrate ("NFAJC"). Certain NFAJC is defined as all non-frozen concentrated apple juice with a Brix scale of 40 or greater, whether or not containing added sugar or other sweetening matter, and whether or not fortified with vitamins or minerals. Excluded from the scope of this order are: frozen concentrated apple juice; non-frozen concentrated apple juice that has been fermented; and non-frozen concentrated apple juice to which spirits have been added.

The merchandise subject to this order is classified in the *Harmonized Tariff Schedule of the United States* ("HTSUS") at subheadings 2106.90.52.00, and 2009.70.00.20 before January 1, 2002, and 2009.79.00.20 after January 1, 2002. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

Rescission of Review in Part

As noted in the *Preliminary Results*, Shandong Foodstuffs Import and Export Corporation ("Shandong"), Shaanxi Gold Peter Natural Drink Co., Ltd. ("Gold Peter"), Qingdao Nannan Foods Co., Ltd. ("Nannan"), Shaanxi Machinery and Equipment Import and Export Corporation ("SAAME"), Shaanxi Hengxing Fruit Juice Co., Ltd. ("Hengxing"), Xian Asia Qin Fruit Co., Ltd. ("Xian Asia"), and Xian Yang Fuan Juice Co., Ltd. ("Xian Yang") reported no shipments of subject merchandise to the United States during the POR. Entry data provided by U.S. Customs and Border Protection ("CBP") confirm that there were no POR entries from Shandong, Gold Peter, Nannan, SAAME, Hengxing, Xian Asia, and Xian Yang of AJC. Therefore, consistent with the Department's regulations and practice, we are rescinding this review with respect to Shandong, Gold Peter, Nannan, SAAME, Hengxing, Xian Asia, and Xian Yang. (See 19 CFR 351.213(d)(3); see, also, *Silicon Metal from Brazil: Final Results of Antidumping Duty Administrative Review*, 61 FR 46763 (September 5, 1996).)

Use of Facts Otherwise Available

As discussed in detail in the *Preliminary Results*, we have determined that companies which did not respond to the Department's questionnaire in this proceeding should not receive separate rates and, thus, are viewed as part of the PRC-wide entity. Moreover, as noted in the *Preliminary Results*, we determine that, in accordance with sections 776(a) and (b) of the Act, the use of adverse facts available is appropriate for companies which did not respond to our requests for information. No party in this proceeding has commented on these issues since the publication of the *Preliminary Results*. Thus, for these final results, we have continued to assign the PRC-wide rate of 51.74 percent to Changsha Industrial Products & Minerals Import and Export Co. and other companies subject to the PRC-wide rate.

Analysis of Comments Received

All issues raised in the case brief by parties to this review are addressed in the "Issues and Decision Memorandum" from Jeffrey May, Deputy Assistant Secretary, Import Administration to James J. Jochum, Assistant Secretary, Import Administration, dated December 15, 2003, ("Decision Memorandum"), which is hereby adopted by this notice. Attached to this notice as an Appendix

is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://www.ia.ita.doc.gov/frn/summary/list.htm> under the heading "China PRC." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Changes Since the Preliminary Results

Based on our review of comments received, verification, and a reexamination of surrogate value data, we have made certain changes to the calculations for the final results. These changes are discussed in the following Comments in the *Decision Memorandum* or in the referenced final calculation memorandum:

All Companies

Overhead, SG&A, and Profit: We have revised the overhead, SG&A and profit ratios based on the full English translation of the Agros Holding Incorporated financial statement submitted by respondents in their August 18, 2003 "2nd; Surrogate Value Submission" at Exhibit 2. The revised overhead percentage is 7.11. The revised SG&A percentage is 50.24. The revised profit percentage is 4.46. See Comment 2 of the *Decision Memorandum*.

Domestic Brokerage and Handling: In the *Preliminary Results*, domestic brokerage and handling was based on a single brokerage and handling rate. For these final results the Department has calculated the surrogate brokerage and handling value by averaging this brokerage and handling rate with two additional freight forwarder quotes which were used by the Department in recent cases.

We have continued to remove Terminal Handling Charges from the calculation because we have information from both Maersk Sealand and UML Shipping Agency Ltd. indicating that Terminal Handling Charges were not in effect in the PRC until the first quarter of 2002.

The prices are from 1999. Therefore, we have inflated them to the POR. The resulting value is US\$3.65/MT. See Comment 3 of the *Decision Memorandum*.