

with the regulations and the terms of an APO is a sanctionable violation.

This new shipper review and notice are in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: November 25, 2003.

**James J. Jochum,**

*Assistant Secretary Import Administration.*

[FR Doc. 03-30263 Filed 12-4-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-847]

#### Persulfates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of Final Results of Antidumping Duty Administrative Review.

**SUMMARY:** On July 31, 2003, the Department of Commerce published the preliminary results of the 2001-2002 administrative review of the antidumping duty order on persulfates from the People's Republic of China. This review covers one manufacturer/exporter of the subject merchandise to the United States. The merchandise covered by this order are persulfates, including ammonium, potassium, and sodium persulfates. The period of review is July 1, 2001, through June 30, 2002.

Based on our analysis of the comments received, we have made certain changes in the margin calculations. See the section entitled "Changes Since the Preliminary Results" listed below. The final weighted-average dumping margin is listed below in the section entitled "Final Results of the Review."

**EFFECTIVE DATE:** December 5, 2003.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 31, 2003, the Department published the preliminary results of the 2001-2002 administrative review of the antidumping duty order on persulfates

from the People's Republic of China (PRC). See *Persulfates from the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review, and Partial Rescission of Administrative Review*, 68 FR 44921 (July 31, 2003) (*Preliminary Results*).

This review covers one exporter, Shanghai Ai Jian Import & Export Corporation (Ai Jian).

We invited interested parties to comment on the preliminary results of review. The Department has conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

##### 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  $\text{Na}_2\text{S}_2\text{O}_8$ . Ammonium and potassium persulfates are currently classifiable under subheading 2833.40.60 of the Harmonized Tariff Schedule of the United States (HTSUS). Sodium persulfate is classifiable under HTSUS subheading 2833.40.20. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

##### Separate Rates

Ai Jian has requested a separate, company-specific antidumping duty rate. In our preliminary results, we found that Ai Jian had met the criteria for the application of a separate antidumping duty rate. See *Preliminary Results*, 68 FR at 44921. We have not received any other information since the preliminary results which would warrant reconsideration of our separate rates determination with respect to this company. We therefore determine that Ai Jian should be assigned an individual dumping margin in this administrative review.

##### Analysis of Comments Received

All issues raised in the case briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Jeffrey May, Deputy Assistant Secretary, Group I, to James Jochum, Assistant Secretary for Import Administration, dated November 28, 2003, which is adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. 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 in Room B-099 of the main Commerce Building.

In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the Decision Memo are identical in content.

##### Changes Since the Preliminary Results

For purposes of the final results, we have made certain changes in the margin calculation for Ai Jian. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memo.

- We removed a figure which was inadvertently included in the denominators of both the selling, general and administrative expense, and profit ratio calculations. See Comment 1 of the Decision Memo.
- We eliminated the purity adjustment applied to one of the inputs used by Ai Jian in the production of persulfates because Ai Jian failed to provide adequate support for that adjustment. See Comment 5 of the Decision Memo.

##### Final Results of the Review

We determine that the following percentage weighted-average margin exists for the period July 1, 2001 through June 30, 2002:

Manufacturer/exporter	Margin
Shanghai Ai Jian Import & Export Corporation .....	0.00 percent

##### Assessment Rates

The Department will determine, and Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. For assessment purposes, we do not have the information to calculate entered value because Ai Jian is not the importer of record for the subject merchandise. Accordingly, we have calculated customer-specific duty assessment rates for the merchandise in question by aggregating the dumping margins calculated for all U.S. sales to each customer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated customer-specific *ad valorem* ratios based on export prices. We will direct CBP to assess the resulting assessment rates uniformly on all entries of that particular customer made during the period of review. Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping

duties any entries for which the assessment rate is *de minimis*. The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of these final results of review.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of this antidumping duty administrative review for all shipments of persulfates from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) for Ai Jian, the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not listed above that have separate rates, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) the cash deposit rate for all other PRC exporters will be 119.02 percent, the PRC-wide rate established in the less than fair value investigation; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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.

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/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 sanctionable violation.

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

Dated: November 28, 2003.

**James Jochum,**

*Assistant Secretary for Import Administration.*

### Appendix Issues in Decision Memo

*Comment 1:* Production Process of the Proposed Surrogate Producer and Whether National Peroxide Limited is a More Appropriate Surrogate Producer  
*Comment 2:* Experience of Other Chemical Producers As Compared to that of the Proposed Surrogate Producer  
*Comment 3:* Whether the Proposed Surrogate's Receipt of Government Subsidies Distorts Its SG&A Ratio  
*Comment 4:* Reported Scope of the Proposed Surrogate's Business  
*Comment 5:* Whether to Apply a Specificity Ratio to one of Ai Jian's Factor Input Usage

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-847]

### Persulfates from the People's Republic of China: Notice of Final Results of Changed Circumstances Review

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

**EFFECTIVE DATE:** December 5, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mike Strollo or Patrick Connolly at (202) 482-0629 or (202) 482-1779, respectively, Office of AD/CVD Enforcement, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**SUMMARY:** On October 10, 2003, the Department published a notice of preliminary results of changed circumstances review and preliminarily found that the factors of production of Degussa-AJ (Shanghai) Initiators Co., Ltd. (Degussa-AJ) had not changed substantially since Degussa AG's investment in Shanghai Ai Jian Reagent Works (AJ Works). Therefore, the Department determined at the preliminary results that it will consider in any relevant future revocation inquiry any administrative reviews in which Shanghai Ai Jian Import and Export Corporation (Ai Jian) procured its products exported to the United States from AJ Works. On October 14, 2003, the petitioner, FMC Corporation (FMC), submitted a case brief. After considering these comments, we continue to find that Degussa-AJ's

factors of production have not changed substantially since Degussa AG's investment in AJ Works. As a result, the Department will consider in any future revocation inquiry any administrative reviews in which Ai Jian procured its products exported to the United States from AJ Works.

### SUPPLEMENTARY INFORMATION:

#### Background

On October 10, 2003, the Department published in the **Federal Register** a notice of preliminary results of changed circumstances review for persulfates from the People's Republic of China (PRC). See *Persulfates from the People's Republic of China: Notice of Preliminary Results of Changed Circumstances Review*, 68 FR 58658 (Oct. 10, 2003). We gave interested parties 14 days to comment on our preliminary results. On October 24, 2003, FMC submitted a case brief. We received no other comments from interested parties on the Department's preliminary results.

#### 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.

#### Analysis of Comments Received

All issues raised in the case briefs by parties to this changed circumstances review are addressed in the "Issues and Decision Memorandum" (Decision Memo) from Jeffrey May, Deputy Assistant Secretary, Group I, to James Jochum, Assistant Secretary for Import Administration, dated November 28, 2003, which is adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. 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 in Room B-099 of the main Commerce Building.