

## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-351-858, A-791-827]

**Certain Lemon Juice From Brazil and the Republic of South Africa: Antidumping Duty Orders**

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

**SUMMARY:** Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing antidumping duty orders on certain lemon juice (lemon juice) from Brazil and the Republic of South Africa (South Africa).

**DATES:** Applicable February 16, 2023.

**FOR FURTHER INFORMATION CONTACT:** Dakota Potts (Brazil) or Elizabeth Bremer and Zachary Shaykin (South Africa), 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) 482-0223, (202) 482-4987, or (202) 482-2638, respectively.

**SUPPLEMENTARY INFORMATION:****Background**

In accordance with sections 735(d) and 777(i) of the Tariff Act of 1930, as amended (the Act), on December 23, 2022, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of lemon juice from Brazil and South Africa.<sup>1</sup> On February 6, 2023, the ITC notified Commerce of its final determinations, pursuant to section 735(d) of the Act, that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of lemon juice from Brazil and South Africa.<sup>2</sup>

**Scope of the Orders**

The product covered by these orders is lemon juice from Brazil and South Africa. For a complete description of the scope of the orders, see the appendix to this notice.

<sup>1</sup> See *Certain Lemon Juice from Brazil: Final Affirmative Determination of Sales at Less Than Fair Value*, 87 FR 78939 (December 23, 2022); see also *Certain Lemon Juice from the Republic of South Africa: Final Affirmative Determination of Sales at Less Than Fair Value*, 87 FR 78928 (December 23, 2023).

<sup>2</sup> See ITC's Letter, Investigation Nos. 731-TA-1578-1579 (Final), dated February 6, 2023; see also *Lemon Juice from Brazil and South Africa*, 88 FR 8912 (February 10, 2023).

**Antidumping Duty Orders**

Based on the above-referenced affirmative final determinations by the ITC that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of lemon juice from Brazil and South Africa,<sup>3</sup> in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing these antidumping duty orders. Moreover, because the ITC determined that imports of lemon juice from Brazil and South Africa are materially injuring a U.S. industry, unliquidated entries of such merchandise from Brazil and South Africa, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of lemon juice from Brazil and South Africa. With the exception of entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determinations, as further described below, antidumping duties will be assessed on unliquidated entries of lemon juice from Brazil and South Africa entered, or withdrawn from warehouse, for consumption, on or after August 4, 2022, the date of publication of the *Preliminary Determinations* in the **Federal Register**.<sup>4</sup>

**Continuation of Suspension of Liquidation and Cash Deposits**

Except as noted in the "Provisional Measures" section of this notice, in accordance with section 736 of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of lemon juice from Brazil and South Africa. These instructions

<sup>3</sup> *Id.*

<sup>4</sup> See *Certain Lemon Juice from Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 87 FR 47697 (August 4, 2022) (*Brazil Preliminary Determination*); see also *Certain Lemon Juice from the Republic of South Africa: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 87 FR 47707 (August 4, 2022) (*South Africa Preliminary Determination*); and *Certain Lemon Juice from the Republic of South Africa: Postponement of Final Determination and Extension of Provisional Measures*, 87 FR 56631 (September 15, 2022) (*South Africa Postponement Notice*).

suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the amounts indicated below. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determination, CBP will require, at the same time as importers would normally deposit estimated duties on this subject merchandise, a cash deposit equal to the cash deposit rates listed in the table below. The all-others rate applies to all producers or exporters not specifically listed, as appropriate.

**Estimated Weighted-Average Dumping Margins**

The estimated weighted-average dumping margins are as follows:

**Brazil**

Exporter/producer	Estimated weighted-average dumping margin (percent)
Citrus Juice Eireli .....	22.31
Louis Dreyfus Company Sucos S.A .....	5 0.00
All Others .....	22.31

**South Africa**

Exporter/producer	Estimated weighted-average dumping margin (percent)
Cape Fruit Processors Pty. Ltd ..	47.89
Granor Passi (Pty.) Ltd .....	73.69
All Others .....	47.89

**Provisional Measures**

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of exports of lemon juice from Brazil and South Africa, Commerce extended the four-month period to six months in

<sup>5</sup> Merchandise produced and exported by Louis Dreyfus Company Sucos S.A. (LDC) is excluded from the Brazil order. This exclusion does not apply to merchandise produced by LDC and exported by any other company or merchandise produced by any other company and exported by LDC. Resellers of merchandise produced by LDC are also not entitled to this exclusion.

these investigations.<sup>6</sup> Commerce published the *Preliminary Determinations* on August 4, 2022.<sup>7</sup>

The extended provisional measures period, beginning on the date of publication of the *Preliminary Determinations*, ended on January 30, 2023. Therefore, in accordance with section 733(d) of the Act and our practice,<sup>8</sup> Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of lemon juice from Brazil and South Africa entered, or withdrawn from warehouse, for consumption after January 30, 2023, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

#### Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the final rule titled “*Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*” in the **Federal Register**.<sup>9</sup> On September 27, 2021, Commerce also published the notice titled “*Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*” in the **Federal Register**.<sup>10</sup> The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same

merchandise from the same country of origin.<sup>11</sup>

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce's online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called “AISL-Annual Inquiry Service List.”<sup>12</sup>

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*, the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties' amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

#### Special Instructions for Petitioners and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service

list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list in the years that follow.”<sup>13</sup>

Accordingly, as stated above, the petitioners and foreign governments should submit their initial entry of appearance after publication of this notice in order to appear in the first annual inquiry service list. Pursuant to 19 CFR 351.225(n)(3), the petitioners and foreign governments will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioners and foreign governments are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

#### Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to lemon juice from Brazil and South Africa pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at <https://www.trade.gov/data-visualization/adcvd-proceedings>.

These orders are published in accordance with section 736(a) of the Act and 19 CFR 351.211(b).

Dated: February 10, 2023.

**Lisa W. Wang,**

*Assistant Secretary for Enforcement and Compliance.*

#### Appendix

##### Scope of the Orders

The product covered by these orders is certain lemon juice. Lemon juice is covered: (1) with or without addition of preservatives, sugar, or other sweeteners; (2) regardless of the GPL (grams per liter of citric acid) level of concentration, brix level, brix/acid ratio, pulp content, clarity; (3) regardless of the grade, horticulture method (e.g., organic or not), processed form (e.g., frozen or not-from-concentrate), the size of the container in which packed, or the method of packing; and (4) regardless of the U.S. Department of Agriculture Food and Drug Administration (FDA) standard of identity (as defined under 19 CFR 146.114 *et seq.*) (i.e., whether or not the lemon juice meets an FDA standard of identity).

Excluded from the scope are: (1) lemon juice at any level of concentration packed in retail-sized containers ready for sale to consumers; and (2) beverage products, such as lemonade, that contain 20 percent or less lemon juice as an ingredient by actual volume. “Retail-sized containers” are defined as lemon juice products sold in ready-for-sale packaging (e.g., clearly visible branding,

<sup>6</sup> See *Brazil Preliminary Determination*; see also *South Africa Postponement Notice*.

<sup>7</sup> See *Brazil Preliminary Determination*; see also *South Africa Preliminary Determination*.

<sup>8</sup> See, e.g., *Certain Corrosion-Resistant Steel Products from India, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders*, 81 FR 48390, 48392 (July 25, 2016).

<sup>9</sup> See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

<sup>10</sup> See *Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions*, 86 FR 53205 (September 27, 2021) (*Procedural Guidance*).

<sup>11</sup> *Id.*

<sup>12</sup> This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A-000-000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL-January Anniversary.” Note that there will be only one annual inquiry service list segment per case number, and the anniversary month will be pre-populated in ACCESS.

<sup>13</sup> See *Final Rule*, 86 FR at 52335.

nutritional facts listed, *etc.*) containing up to 128 ounces of lemon juice by actual volume.

The scope also includes certain lemon juice that is blended with certain lemon juice from sources not subject to these orders. Only the subject lemon juice component of such blended merchandise is covered by the scope of these orders. Blended lemon juice is defined as certain lemon juice with two distinct component parts of differing country(s) of origin mixed together to form certain lemon juice where the component parts are no longer individually distinguishable.

The product subject to these orders is currently classifiable under subheadings 2009.31.4000, 2009.31.6020, 2009.31.6040, 2009.39.6020, and 2009.39.6040 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 these orders is dispositive.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-886]

#### **Polyethylene Retail Carrier Bags From the People's Republic of China: Preliminary Determination of No Shipments and Rescission of Review in Part; 2021-2022**

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) preliminarily finds that Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. (collectively, Nozawa) had no shipments of polyethylene retail carrier bags (PRCBs) from the People's Republic of China (China) during the period of review (POR), August 1, 2021, through July 31, 2022. In addition, Commerce is rescinding this administrative review, in part, for Crown Polyethylene Products (International) Ltd. (Crown), for which the review request was withdrawn. We invite interested parties to comment on these preliminary results of review.

**DATES:** Applicable February 16, 2023.

**FOR FURTHER INFORMATION CONTACT:** Christopher Williams, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-5166.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On August 9, 2004, Commerce published in the **Federal Register** the antidumping duty order on PRCBs from China.<sup>1</sup> On August 2, 2022, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On August 31, 2022, the petitioners<sup>3</sup> timely requested an administrative review of the *Order* with respect to Nozawa and Crown.<sup>4</sup> Commerce received no other requests for an administrative review of the *Order*. On October 11, 2022, pursuant to section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i), Commerce initiated this administrative review.<sup>5</sup> On November 29, 2022, the petitioners timely withdrew their request for an administrative review of Crown.<sup>6</sup>

#### **Scope of the Order**

The products covered by the *Order* are PRCBs which may be referred to as t-shirt sacks, merchandise bags, grocery bags, or checkout bags. The subject merchandise is defined as non-sealable sacks and bags with handles (including drawstrings), without zippers or integral extruded closures, with or without gussets, with or without printing, of polyethylene film having a thickness no greater than 0.035 inch (0.889 mm) and no less than 0.00035 inch (0.00889 mm), and with no length or width shorter than 6 inches (15.24 cm) or longer than 40 inches (101.6 cm). The depth of the bag may be shorter than 6 inches but not longer than 40 inches (101.6 cm).

PRCBs are typically provided without any consumer packaging and free of charge by retail establishments, *e.g.*, grocery, drug, convenience, department, specialty retail, discount stores, and restaurants, to their customers to package and carry their purchased products. The scope of the *Order* excludes (1) polyethylene bags that are not printed with logos or store names

<sup>1</sup> See *Antidumping Duty Order: Polyethylene Retail Carrier Bags from the People's Republic of China*, 69 FR 48201 (August 9, 2004) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review*, 87 FR 47187 (August 2, 2022).

<sup>3</sup> The petitioners are the Polyethylene Retail Carrier Bag Committee and its individual members, Hilex Poly Co., LLC and Superbag Corporation.

<sup>4</sup> See Petitioners' Letter, "Polyethylene Retail Carrier Bags from the People's Republic of China: Request for Administrative Review," dated August 31, 2022.

<sup>5</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 87 FR 61278 (October 11, 2022).

<sup>6</sup> See Petitioners' Letter, "Polyethylene Retail Carrier Bags from the People's Republic of China: Partial Withdrawal of Request for Administrative Review," dated November 29, 2022.

and that are closeable with drawstrings made of polyethylene film and (2) polyethylene bags that are packed in consumer packaging with printing that refers to specific end-uses other than packaging and carrying merchandise from retail establishments, *e.g.*, garbage bags, lawn bags, trash-can liners.

Imports of the subject merchandise are currently classifiable under statistical category 3923.21.0090 of the Harmonized Tariff Schedule of the United States (HTSUS). This subheading also covers products that are outside the scope of the *Order*. Furthermore, although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of the *Order* is dispositive.

#### **Rescission of Administrative Review, in Part**

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested a review withdraws its request within 90 days of the date of publication of the notice of initiation. Because the petitioners timely withdrew their review request for Crown, and no other party requested an administrative review of Crown, we are rescinding the administrative review of Crown, pursuant to 19 CFR 351.213(d)(1).

#### **Preliminary Determination of No Shipments**

On November 9, 2022, Nozawa timely filed a letter certifying that it had no U.S. exports, sales, or entries of subject merchandise to the United States during the POR.<sup>7</sup> We requested that U.S. Customs and Border Protection (CBP) report any information contradicting Nozawa's claim of no shipments<sup>8</sup> and in response to our query, CBP confirmed Nozawa's claim of no shipments of subject merchandise during the POR.<sup>9</sup> Therefore, we preliminarily determine that Nozawa had no shipments of subject merchandise to the United States during the POR. Consistent with Commerce's practice, we will complete the review of Nozawa and issue

<sup>7</sup> See Nozawa's Letter, "Polyethylene Retail Carrier Bags from the People's Republic of China: No Shipment Certification," dated November 9, 2022.

<sup>8</sup> See CBP message number 2334401 dated November 28, 2022, available at <https://aceservices.cbp.dhs.gov/adcvdweb/>.

<sup>9</sup> See Memorandum, "Polyethylene Retail Carrier Bags from the People's Republic of China; No Shipment Inquiry for Dongguan Nozawa Plastics Products Co., Ltd. and United Power Packaging, Ltd. during the Period 08/01/2021 through 07/31/2022," dated January 30, 2023.