

Director, Office of Policy and Strategic Planning; Richard Yamamoto, Director, Office of Security (Alternate).

*Office of Assistant Secretary for Administration*

Lisa Casias, Deputy Director for Financial Policy.

*Economic Development Administration*

Mary Pleffner, Deputy Assistant Secretary for Management Services and CFO.

*National Oceanic and Atmospheric Administration*

John E. Jones, Jr., Deputy Assistant Administrator for Weather Services.

Dated: October 5, 2005.

**Mary King,**

*Director, Office of Executive Resources.*

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**A-570-863**

**Notice of Rescission of Antidumping Duty New Shipper Review: Honey from the People's Republic of China**

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

**SUMMARY:** In response to a request from Kunshan Xin'an Trade Co., Ltd., the Department of Commerce ("the Department") initiated a new shipper review of the antidumping duty order on honey from the People's Republic of China. The period of review ("POR") is December 1, 2003, through November 30, 2004. For the reasons discussed below, we are rescinding this new shipper review.

**EFFECTIVE DATE:** October 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** Anya Naschak, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C., 20230; telephone: (202) 482-6375.

**SUPPLEMENTARY INFORMATION:**

**Scope of the Order**

The products covered by this order are natural honey, artificial honey containing more than 50 percent natural honey by weight, preparations of natural honey containing more than 50 percent natural honey by weight, and flavored honey. The subject merchandise includes all grades and colors of honey

whether in liquid, creamed, comb, cut comb, or chunk form, and whether packaged for retail or in bulk form.

The merchandise subject to this order is currently classifiable under subheadings 0409.00.00, 1702.90.90, and 2106.90.99 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the merchandise under this order is dispositive.

**Background**

On December 22, 2004, the Department received a request for a new shipper review ("Xinan New Shipper Request") from Kunshan Xin'an Trade Co., Ltd. ("Xinan PRC"). On January 31, 2005, the Department initiated this new shipper review for the period of review ("POR") December 1, 2003, through November 30, 2004. See *Honey from the People's Republic of China: Initiation of Antidumping New Shipper Review*, 70 FR 6412 (February 7, 2005). On February 1, 2005, we issued the standard section A, C, and D questionnaire to Xinan PRC and its claimed U.S. affiliate, Xin'an USA, Inc. ("Xinan USA") (collectively, "Xinan"). On March 10, 2005, and March 28, 2005, we received Xinan's response to sections A, C, and D of the Department's questionnaire.

On July 18, 2005, the Department extended the time limit for the completion of the preliminary results of this review by 45 days from the original July 30, 2005, deadline, in accordance with section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended ("the Act"), and section 351.214(i)(2) of the Department's regulations. See *Honey from the People's Republic of China: Extension of Time Limit for Preliminary Results of 2003/2004 New Shipper Review*, 70 FR 42033 (July 26, 2005).

On August 10, 2005, the Department completed its preliminary *bona fides* analysis of Xinan's single sale to the United States and stated the Department's preliminary intention to rescind the new shipper review of Xinan, finding that Xinan's single sale to the United States was not a *bona fide* transaction. See Memorandum from James C. Doyle to Barbara E. Tillman: *Bona Fide Analysis for Kunshan Xin'an Trade Co., Ltd.'s Sale in the New Shipper Review of Honey from the People's Republic of China*, dated August 10, 2005 ("Bona Fides Memo"). The Department allowed interested parties an opportunity to provide comments on the Department's *Bona Fides* Memo, as well as the information

placed on the record of review as attachments to the memo. Xinan provided comments on the Department's *Bona Fides* Analysis Memo on August 25, 2005, and the American Honey Producers and the Sioux Honey Association (collectively, "petitioners") provided rebuttal comments on August 31, 2005.

On September 13, 2005, the Department extended the time limit for the completion of the preliminary results of this review by an additional 20 days, in accordance with section 751(a)(2)(B)(iv) of the Act, and section 351.214(i)(2) of the Department's regulations. See *Honey from the People's Republic of China: Extension of Time Limit for Preliminary Results of 2003/2004 New Shipper Review*, 70 FR 55109 (September 20, 2005).

**Rescission of Review**

Concurrent with this notice, we are issuing our memorandum detailing our analysis of the *bona fides* of Xinan's U.S. sale and our decision to rescind based on the totality of the circumstances. See Memorandum from James C. Doyle, Director, Office 9, to Barbara E. Tillman, Acting Deputy Assistant Secretary for Operations: *Bona Fides Analysis and Rescission of New Shipper Review of Honey from the People's Republic of China for Kunshan Xin'an Trade Co., Ltd.*, dated October 3, 2005 ("Rescission Memo").

In evaluating whether or not a single sale in a new shipper review is commercially reasonable, and therefore *bona fide*, the Department has considered, *inter alia*, such factors as (1) the timing of the sale; (2) the price and quantity; (3) the expenses arising from the transaction; (4) whether the goods were resold at a profit; and (5) whether the transaction was at an arms-length basis. See *Tianjin Tiancheng Pharmaceutical Co., Ltd. v. United States*, 366 F. Supp. 2d 1246 (CIT 2005) ("TTPC"), citing *Am. Silicon Techs. v. United States*, 110 F. Supp. 2d 992, 995 (CIT 2000). However, the analysis is not limited to these factors alone. The Department examines a number of factors, all of which may speak to the commercial realities surrounding the sale of subject merchandise. Although some *bona fides* issues may share commonalities across various Department cases, the Department examines the *bona fide* nature of a sale on a case-by-case basis, and the analysis may vary with the facts surrounding each sale. See TTPC, 366 F. Supp. 2d at 1260, citing *Certain Preserved Mushrooms From the People's Republic of China: Final Results and Partial Rescission of the New Shipper Review*

and Final Results and Partial Rescission of the Third Antidumping Duty Administrative Review, 68 FR 41304 (July 11, 2003), and accompanying Issues and Decision Memorandum. The weight given to each factor investigated will depend on the circumstances surrounding the sale. See *TTPC*, 366 F. Supp. 2d at 1263.

As discussed in detail in the Department's Rescission Memo, the Department has determined that the new shipper sale made by Xinan PRC was not *bona fide* because of: 1) inconsistencies between the prices charged and the quantities sold by Xinan USA for the single POR sale and all subsequent sales made by Xinan USA during the POR from the PRC; 2) the circumstances surrounding payment for the expenses associated with the single POR sale; and 3) inconsistencies regarding the sales process followed by Xinan USA for the POR sale. Since the Department is rescinding this new shipper review, we are not calculating a company-specific rate for Xinan, and Xinan will remain part of the PRC-wide entity.

#### Notification

The Department will notify U.S. Customs and Border Protection that bonding is no longer permitted to fulfill security requirements for shipments by Xinan PRC of honey from the PRC entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**, and that a cash deposit of 183.80 percent *ad valorem* should be collected for any entries exported by Xinan PRC.

This notice also serves as the only reminder to parties subject to administrative protective orders ("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 the return/destruction of APO material or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanctions.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act.

Dated: October 3, 2005.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-5570 Filed 10-7-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Processed Products Family of Forms

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before December 12, 2005.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Steven J. Koplin, F/ST1, Room 12456, 1315 East West Highway, Silver Spring, MD 20910-3282, 301-713-2328 or [steve.koplin@noaa.gov](mailto:steve.koplin@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

NOAA, on an annual basis, collects information from seafood and industrial fishing processing plants on the volume and value of their fishery products and their monthly employment figures. Monthly, NOAA collects information on the production of fish meal and oil. NOAA uses the information gathered in the economic and social analyses used when proposing and evaluating fishery management actions.

##### II. Method of Collection

In the current survey, NOAA Fisheries provides each processor a preprinted form that includes the products produced by the company in the previous year. The processor only needs to fill in the quantities and any new products, before returning the form every year. Processors have the option to use a web-based application that allows them to submit the data electronically.

## III. Data

OMB Number: 0648-0018.

Form Number: NOAA Forms 88-13, 88-13C.

Type of Review: Regular submission.  
Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 1,320.

Estimated Time Per Response: 30 minutes for an Annual Processed Products Report; and 15 minutes for a Fishery Products Report Fish Meal and Oil, monthly.

Estimated Total Annual Burden Hours: 680.

Estimated Total Annual Cost to Public: \$0.

## IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 5, 2005.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Availability of Draft Environmental Assessment for Analysis of Remediation Alternatives for the Pacific Crossing—1 North and East Submarine Fiber Optic Cables in the Olympic Coast National Marine Sanctuary

**AGENCY:** National Marine Sanctuary Program (NMSPP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.