

examined during the investigation. As required by 19 CFR 351.214(b)(2)(iii)(B), LXFI also certified that its export activities were not controlled by the central government of the PRC.

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), LXFI submitted documentation establishing the following: (1) the date on which LXFI first shipped subject merchandise for export to the United States and; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.

When the sale of the subject merchandise occurs within the POR specified by the Department's regulations but the entry occurs after the POR, the specified POR may be extended unless it would be likely to prevent the completion of the review within the time limits set by the Department's regulations. See 19 CFR 351.214(f)(2)(ii). Additionally, the preamble to the Department's regulations states that both the entry and the sale should occur during the POR, and that under "appropriate" circumstances the Department has the flexibility to extend the POR. See *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27319–27320 (May 19, 1997).

For purposes of initiation, Department accepts the contract dated within the POR as evidence that LXFI had a sale to the United States during the POR. However, the Department will consider further the proper date of sale in the context of this new shipper review and whether that sale occurred during the POR.

#### Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended (the "Act") and 19 CFR 351.214(d)(1), we find that the request submitted by LXFI meets the threshold requirements for initiation of a new shipper review for shipments of apple juice from the PRC produced and exported by LXFI. See "Memorandum to the File Through Alex Villanueva, Project Manager, New Shipper Initiation Checklist: Certain Non-Frozen Apple Juice Concentrate From the PRC (A-570-855)," dated concurrently with this notice. The POR is June 01, 2009, through November 30, 2009. See 19 CFR 351.214(g)(1)(i)(B). The Department intends to issue the preliminary results of this NSR no later than 180 days from the date of initiation, and the final results no later than 270 days from the date of initiation. See section 751(a)(2)(B)(iv) of the Act.

It is the Department's usual practice, in cases involving non-market economies, to require that a company seeking to establish eligibility for an antidumping duty rate separate from the country-wide rate provide evidence of *de jure* and *de facto* absence of government control over the company's export activities. Accordingly, we will issue questionnaires to LXFI, which will include a section requesting information with regard to LXFI's export activities for separate rates purposes. The review will proceed if the response provides sufficient indication that LXFI is not subject to either *de jure* or *de facto* government control with respect to its export of subject merchandise.

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from LXFI in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because LXFI certified that it both produced and exported the subject merchandise, the sale of which is the basis for this new shipper review request, we will apply the bonding privilege to LXFI only for subject merchandise which LXFI both produced and exported.

Interested parties requesting access to proprietary information in this NSR should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 19 CFR 351.306.

This initiation and notice are in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 19 CFR 351.221(c)(1)(i).

Dated: January 29, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-863]

#### Honey from the People's Republic of China: Initiation of New Shipper Antidumping Duty Reviews

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

**DATES:** *Effective Date:* February 4, 2010.

**SUMMARY:** The Department of Commerce ("Department") has determined that two

requests for new shipper reviews ("NSRs") of the antidumping duty order on honey from the People's Republic of China ("PRC"), received on December 10, 2009, and December 12, 2009, respectively, meet the statutory and regulatory requirements for initiation. The period of review ("POR") of these two NSRs is December 1, 2008 through November 30, 2009.

#### FOR FURTHER INFORMATION CONTACT:

Irene Gorelik, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6905.

#### SUPPLEMENTARY INFORMATION:

##### Background

The antidumping duty order on honey from the PRC was published in the **Federal Register** on December 10, 2001. See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order; Honey from the People's Republic of China, 66 FR 63670 (December 10, 2001) ("Order"). On December 10, 2009, and December 12, 2009, pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended ("Act"), and 19 CFR 351.214(c), the Department received two timely filed requests for a NSR of the Order from Suzhou Shanding Honey Product Co., Ltd. ("Suzhou Shanding") and Wuhu Fenglian Co., Ltd. ("Wuhu Fenglian"), respectively. Both Suzhou Shanding and Wuhu Fenglian have certified that they are both the producer and exporter of the subject merchandise upon which the request for the NSRs are based.

The Department conducted queries for data from the U.S. Customs and Border Protection ("CBP") and requested CBP entry document packages to confirm that the shipments made by Suzhou Shanding and Wuhu Fenglian had officially entered the United States via assignment of an entry date in the CBP database.<sup>1</sup> In addition, the Department confirmed the existence of Suzhou Shanding and Wuhu Fenglian and their corresponding U.S. customers.

<sup>1</sup> The Department placed the business proprietary CBP data on the record and released it to interested parties under the Administrative Protective Order. See "Memorandum to the File from Blaine Wiltse; Placing CBP Data on the Record of New Shipper Reviews of Honey from the People's Republic of China," dated January 8, 2010, and "Memorandum to the File from Irene Gorelik; Placing Second Run of CBP Data on the Record of New Shipper Reviews of Honey from the People's Republic of China," dated January 22, 2010.

### Initiation of New Shipper Reviews

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that Suzhou Shanding and Wuhu Fenglian meet the threshold requirements for initiation of a NSR for the shipment of honey from the PRC they produced and exported. *See* “Memorandum to File through James C. Doyle, Director, Office 9 from Catherine Bertrand, Program Manager, Office 9; Re: Honey from the People’s Republic of China: Initiation of AD New Shipper Review for Suzhou Shanding Honey Product Co., Ltd.” dated January 31, 2010 and “Memorandum to File through James C. Doyle, Director, Office 9 from Catherine Bertrand, Program Manager, Office 9; Re: Honey from the People’s Republic of China: Initiation of AD New Shipper Review for Wuhu Fenglian Co., Ltd.,” dated January 31, 2010.

The Department intends to issue the preliminary results of these NSRs no later than 180 days from the date of initiation, and final results no later than 270 days from the date of initiation. *See* section 751(a)(2)(B)(iv) of the Act.

Because both Suzhou Shanding and Wuhu Fenglian certified that they produced and exported subject merchandise, the sales of which form the basis for their respective requests for a new shipper review, we will instruct CBP to allow, at the option of the importer until the completion of the reviews, the posting of a bond or security in lieu of a cash deposit for each entry of the subject merchandise produced and exported by Suzhou Shanding and produced and exported by Wuhu Fenglian in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). The bonding privilege will apply only to subject merchandise produced and exported by Suzhou Shanding and subject merchandise produced and exported by Wuhu Fenglian.

Interested parties requiring access to proprietary information in this NSR should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306. This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: January 29, 2010.

**John M. Andersen,**

*Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.*

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### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[Docket No. 090219207–0016–02]

RIN 0648-ZC05

#### NOAA Coastal and Marine Habitat Restoration Project Supplemental Funding

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of supplemental funding for NOAA Coastal and Marine Habitat Restoration Projects.

**SUMMARY:** The National Marine Fisheries Service (NMFS) publishes this notice to describe how it will administer the approximately 3 percent of funding that remains from the original allocation provided to NMFS under the American Recovery and Reinvestment Act (ARRA). These funds were set aside specifically to manage and mitigate risks to the original habitat restoration investments and ensure program goals are achieved. NMFS is only accepting requests for supplemental funding from existing ARRA grantees that were awarded funds as a result of the original competition. There is the possibility that NMFS may also fund additional projects selected from the ranked list of previously reviewed proposals that was provided to the Selecting Official as part of the original competition.

**DATES:** Recipients of ARRA Habitat Restoration project awards may contact NMFS to discuss the process for requesting supplemental funding. Requests for supplemental funding will be considered on a rolling basis.

**FOR FURTHER INFORMATION CONTACT:** Melanie Gange at (301) 713–0174, or by e-mail at [Melanie.Gange@noaa.gov](mailto:Melanie.Gange@noaa.gov).

**SUPPLEMENTARY INFORMATION:** In 2009, NMFS provided ARRA funding for 50 habitat restoration projects. These projects were selected on a competitive basis from among 814 eligible applications submitted in response to a **Federal Register** Notice published March 6, 2009 (74 FR 9793).

Approximately 3 percent of the funding originally allocated to NMFS was held in reserve to manage and mitigate risks to these habitat restoration investments and ensure program goals for economic and ecological value are achieved. NMFS intends to award these remaining funds to its existing ARRA grantees pursuant to the priorities below and potentially to additional projects selected from the ranked list of

previously reviewed proposals. No other new applications will be accepted. Requests for supplemental funding will be considered on a case-by-case basis, based on bona fide need and priorities listed herein, and not in the order in which requests are received.

#### Electronic Access

Current recipients of ARRA Habitat Restoration project awards should contact their Federal Program Officer at 301–713–0174, or by email, for further information regarding the process for requesting supplemental funding. Federal Program Officers and their contact information are identified in award information available to recipients in NOAA’s Grants Online.

The 50 projects selected for funding as a result of the original competition can be viewed at [http://www.nmfs.noaa.gov/habitat/restoration/restorationatlas/recovery\\_map.html](http://www.nmfs.noaa.gov/habitat/restoration/restorationatlas/recovery_map.html).

#### Statutory Authority

The Secretary of Commerce is authorized under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661, as amended by the Reorganization Plan No. 4 of 1970) to provide grants and cooperative agreements for habitat restoration.

#### Funding Availability

To meet ARRA and agency goals for accountability and risk management, approximately 3 percent of the original ARRA allocation for habitat restoration was set aside to serve as a risk margin for unforeseen changes to technical, financial, or scheduling aspects of funded restoration projects. Remaining funds will be made available primarily to existing recipients of NOAA ARRA Habitat Restoration project awards. NOAA does not guarantee that sufficient funds will be available to make awards for all supplemental requests. Publication of this document does not obligate NOAA to award funds for any specific project or to obligate all or any parts of any available funds. Funds will primarily be issued as amendments to current ARRA awards.

#### Eligibility

This funding is for current recipients of NOAA ARRA Habitat Restoration project awards.

#### Funding Priorities

NMFS expects to award remaining funds primarily to existing grantees who have met one or more of the following priorities: