

**September 19, 2005**  
**News Release 05-104**  
**Inv. No. 731-TA-841 (Second Review)**  
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## **ITC MAKES AFFIRMATIVE DETERMINATION IN FIVE-YEAR (SUNSET) REVIEW CONCERNING CERTAIN NON-FROZEN CONCENTRATED APPLE JUICE FROM CHINA**

The U.S. International Trade Commission (ITC) today determined that revoking the existing antidumping duty order on certain non-frozen concentrated apple juice from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

As a result of the Commission's affirmative determination and the Department of Commerce's recent affirmative finding, the existing order on imports of certain non-frozen concentrated apple juice from China will remain in place.

Chairman Stephen Koplan, Vice Chairman Deanna Tanner Okun, and Commissioners Jennifer A. Hillman, Charlotte R. Lane, and Daniel R. Pearson found that revoking the existing order would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. Commissioner Shara L. Aranoff did not participate in this review.

Today's action comes under the five-year (sunset) review process required by the Uruguay Round Agreements Act. See the attached page for background on this five-year (sunset) review.

The Commission's public report *Certain Non-Frozen Concentrated Apple Juice from China* (Inv. No. 731-TA-841 (Second Review), USITC Publication 3799, September 2005) will contain the views of the Commission and information developed during the reviews.

Copies may be requested after October 19, 2005, by calling 202-205-1809 or by contacting the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Requests may be made by fax at 202-205-2104.

### **BACKGROUND**

The Uruguay Round Agreements Act requires the Department of Commerce to revoke an antidumping or countervailing duty order, or terminate a suspension agreement, after five years unless the Department of Commerce and the ITC determine that revoking the order or terminating the suspension agreement would be likely to lead to continuation or

recurrence of dumping or subsidies (Commerce) and of material injury (ITC) within a reasonably foreseeable time.

The Commission's institution notice in five-year reviews requests that interested parties file responses with the Commission concerning the likely effects of revoking the order under review as well as other information. Generally within 95 days from institution, the Commission will determine whether the responses it has received reflect an adequate or inadequate level of interest in a full review. If responses to the ITC's notice of institution are adequate, or if other circumstances warrant a full review, the Commission conducts a full review, which includes a public hearing and issuance of questionnaires.

The Commission generally does not hold a hearing or conduct further investigative activities in expedited reviews. Commissioners base their injury determination in expedited reviews on the facts available, including the Commission's prior injury and review determinations, responses received to its notice of institution, data collected by staff in connection with the review, and information provided by the Department of Commerce.

The five-year (sunset) review concerning *Certain Non-Frozen Concentrated Apple Juice from China* was instituted on May 2, 2005.

On August 5, 2005, the Commission voted to conduct an expedited review. Chairman Stephen Koplan, Vice Chairman Deanna Tanner Okun, and Commissioners Jennifer A. Hillman, Charlotte R. Lane, and Daniel R. Pearson concluded that the domestic group response for this review was adequate and the respondent group response was inadequate and voted for an expedited review; former Commissioner Marcia E. Miller did not participate in the review. Commissioner Shara L. Aranoff did not participate in this review.

Information concerning the reasons for the Commission's votes to conduct full reviews was published in the Federal Register on August 30, 2005. That notice and a record of the Commission's votes is posted on the ITC's Internet site at <http://info.usitc.gov/oinv/sunset.NSF> (under "Non-Frozen Apple Juice Concentrate - China").

In addition, a record of the Commission's vote to conduct an expedited review is available from the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Requests may be made by telephone by calling 202-205-1802.