

January 19, 2005

To All Interested Parties:

On December 27, 2004, the Department of Commerce (the Department) received an antidumping duty petition filed by Florida Citrus Mutual, A. Duda & Sons, Inc. (doing business as Citrus Belle), Citrus World, Inc., Peace River Citrus Products, Inc., and Southern Garden Citrus Processing Corporation (doing business as Southern Gardens) (collectively “the petitioners”), alleging that frozen concentrated orange juice for further manufacturing and Not-From-Concentrate orange juice from Brazil are being, or are likely to be, sold in the United States at less than fair value.

In order for the Department to initiate an antidumping duty investigation, the Department must determine whether a minimum percentage of the relevant industry supports the petition, in accordance with section 732(c)(4)(A) of the Tariff Act of 1930, as amended (the Act). A petition meets the requirements if the domestic producers or workers who support the petition account for: (i) at least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Because there is some question as to whether the petitioners have the requisite industry support as defined above by section 732(c)(4)(D) of the Act, we are now requesting the information in Attachment I of this letter. The Department has also published a notice in the Federal Register, inviting interested parties to respond to the same questions, which is also included in the package of materials. Therefore, please respond to the questionnaire in Attachment I and fax your response to the following number: (202) 482-4776. In addition, please provide a copy of your response to this questionnaire with all numeric proprietary information summarized to within plus or minus ten percent of the actual figure and non-numeric proprietary information deleted. For example, if you report a production volume of 1,000,000 pounds solids in the proprietary version, the public version of this figure could be any number between 900,000 or 1,100,000 pounds solids. Additional guidance on preparing a public

version of your response is contained in Attachment V of this letter. Please note that we will place this copy of your response on the public record on your behalf.

Please note that if you are responding on behalf of an industry association, you must meet the requirements of section 771(9)(E) or (F) of the Act. Specifically, you must demonstrate that your association is either: 1) a trade or business association a majority of whose members manufacture, produce, or wholesale a domestic like product in the United States (*i.e.*, round oranges or processed orange juice); or 2) an association, a majority of whose members is composed of interested parties with respect to a domestic like product. If your association does not meet either of the definitions provided above, please contact the Department immediately.

In addition, the Department requests that you certify the accuracy of the information you submit with the "Company Official Certification" in Attachment II. Make sure you fax the certification of accuracy with your response.

Certain information received by the Department will be treated as proprietary information as outlined under our regulations (*see* 19 CFR 351.105). *See* Attachment I for details. In addition, please note that all proprietary documents received by the Department in response to this request will be served on those individuals with access to business proprietary information under the Administrative Protective Order (APO). All company names will be treated as public information. All public documents may be made available to those parties on the public service list. The APO service lists and the public service lists are available on Import Administration's website: <http://ia.ita.doc.gov>.

Responses to this notice are due no later than **January 26, 2005**. Responses after this date may not be reviewed by the Department.

If you have any questions regarding this matter, please contact Elizabeth Eastwood or Jill Pollack at (202) 482-3874 or (202) 482-4593, respectively. Additionally, parties can contact the Department regarding this matter via e-mail at orangejuice@ita.doc.gov.

Sincerely,

Shawn Thompson
Program Manager
AD/CVD Operations, Office 2

Enclosure

ATTACHMENT I
QUESTIONS REGARDING THE PETITION ON CERTAIN ORANGE JUICE¹ FROM
BRAZIL

ALL OF THE INFORMATION YOU PROVIDE IN RESPONSE TO ATTACHMENT I WILL BE ENTERED ON THE RECORD OF THIS INVESTIGATION AS BUSINESS PROPRIETARY INFORMATION WITH THE EXCEPTION OF THE ANSWERS TO QUESTIONS ONE, TWO, AND SIX²

1. Please provide the following information about your company:

Company Name	
Name and Title of the Company President, Director or Manager	
Your Name and Title	

¹ This questionnaire concerns certain orange juice for transport and/or further manufacturing, produced in two different forms: (1) frozen orange juice in a highly concentrated form (60° Brix or higher), sometimes referred to as frozen concentrated orange juice for further manufacturing (FCOJM); and (2) pasteurized single-strength orange juice which has not been concentrated, referred to as Not-From-Concentrate (NFC).

There is an existing antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. See *Antidumping Duty Order; Frozen Concentrated Orange Juice from Brazil*, 52 FR 16426 (May 5, 1987). Therefore, the scope with regard to FCOJM covers only FCOJM produced and/or exported by those companies who were excluded, or revoked, from the existing antidumping order on FCOJ from Brazil as of December 27, 2004. Those companies are Cargill Citrus Limitada, Citrosuco Paulista S.A., Coopercitrus Industrial Frutesp, Frutropic, Montecitrus Industria e Comercio Limitada, and Sucocitrico Cutrale SA. Reconstituted orange juice and frozen orange juice for retail (FCOJR) are also excluded from the scope of the investigation. Reconstituted orange juice is produced through further manufacture of FCOJM, by adding water, oils and essences to the orange juice concentrate. FCOJR is concentrated orange juice, typically at 42° Brix, in a frozen state, packed in retail sized containers ready for sale to consumers. FCOJR, a finished consumer product, is produced through further manufacture of FCOJM, a bulk manufacturer's product.

The subject merchandise is currently classifiable under item 2009.11.00 (frozen orange juice), 2009.12.25 and 2009.12.45 (orange juice, not frozen, of a Brix value not exceeding 20), and 2009.19.00 (orange juice, other) of the *Harmonized Tariff Schedule of the United States* (HTSUS).

² If you believe that certain information in response to questions one, two, and six, should also be considered to be business proprietary, please put brackets around that specific information ([]) and explain why that information should not be publicly disclosed. In addition, please provide a public version of your response to this questionnaire, for placement on the public record. For information on how to prepare a public version, please see Attachment V.

Business Address	
Phone Number	
Fax Number	
E-Mail Address	

2. Please check all that apply to describe the business activities of your company³:

U.S. Manufacturer/Producer of Certain Orange Juice	
U.S. Grower of Oranges for Processing	
U.S. Importer of Certain Orange Juice	
U.S. Distributor or U.S. Reseller of Certain Orange Juice	
Other Certain Orange Juice activities in the United States (Please Explain)	

3. If you are a grower of oranges for processing please state whether you belong to an association. If so, which one?
4. If you are a grower of oranges for processing⁴, please provide the total quantity of oranges for processing that you produced and sold in the chart below. Please report the quantity in terms of boxes of oranges⁵, as well as pounds solids. You may use the conversion below to calculate the pounds solids equivalent. If you think a different calculation is more appropriate, please provide it and explain why it is more appropriate.

³ A U.S. manufacturer/producer is a manufacturer/producer with production facilities in the United States during the period October 2003-September 2004. "Importer" means the person by whom, or for whose account, subject merchandise is imported. *See* 19 CFR § 351.102(b) of the Department's regulations.

⁴ Oranges for processing are generally referred to in the industry as "round oranges" which, in the United States, generally encompass, but are not limited to, the following varieties: Hamlin, Parsons, Pineapple and Valencia. If you produced oranges for processing of a different variety than those listed above, please state the variety, as well as the quantity you produced for processing.

⁵ It is our understanding that boxes of oranges are 90 lbs. in Florida, 75 lbs. in California and Arizona, and 85 lbs. in Texas. Please use these measurements in reporting your production. If you think some other measurement is more appropriate, please state what it is and explain why it is more appropriate.

Florida: 1 90-lb. box of oranges = 6.47 pounds solids (from the Florida Citrus Processors Association for the Oct 2003-Sept 2004 season)

California: 1 75-lb. box of oranges = 4.21 pounds solids (estimated)

Arizona: 1 75-lb. box of oranges = 4.21 pounds solids (estimated)

Texas: 1 85-lb. box of oranges = 6.05 pounds solids (estimated)

Oranges for Processing: Production/sales during the period Oct 2003-Sept 2004	Total Quantity (in boxes ⁶) produced in the United States	Total Quantity (in boxes) sold for processing in the United States	Total Quantity (in pounds solids) produced in the United States	Total Quantity (in pounds solids) sold for processing in the United States
Your company (name):				
Related company 1 (name):				
Related company 2 (name):				

5. Please provide the quantity of frozen concentrated orange juice for manufacturing (FCOJM) and Not-From-Concentrate (NFC) that you produced⁷ and imported⁸ in the tables below, in both gallons and pounds solids. Please use the conversions below to calculate the pounds solids equivalent. If you think a different conversion is more appropriate, please provide it and explain why it is more appropriate. **Do not count any FCOJM or NFC that you may have**

⁶ Please indicate the size box you are using.

⁷ Please include any juice that your company may have toll produced for another company in your own production figure. Conversely, if your company has paid another firm to toll produce the subject merchandise, you should not include this production in your answer.

⁸ The quantity you report in the import column should include imports for which you were the importer of record as well as imports through a third party.

purchased from another producer in the United States or abroad in determining the total quantity of FCOJM and NFC that you produced.

1 gallon at 65° Brix = 7.135 pounds solids

1 metric ton at 65° Brix = 1,433 pounds solids

1 metric ton at 65° Brix = 200.84 gallons

1 gallon at 11.8° Brix = 1.029 pounds solids

1 metric ton at 11.8° Brix = 260.24 pounds solids

1 metric ton at 11.8° Brix = 252.91 gallons

FCOJM: production ⁹ during the period Oct 2003-Sept 2004	Total Quantity (in pounds solids) produced in the United States	Total Quantity (in gallons at 65° Brix) produced in the United States
Your company (name):		
Related company 1 (name):		
Related company 2 (name):		

Please use additional lines as appropriate.

FCOJM: imports during the period Oct 2003-Sept 2004 Your company (name):	Total Quantity (in pounds solids) imported from the Brazilian company	Total Quantity (in gallons at 65° Brix) imported from the Brazilian company
Brazilian company your company imported from (name):		
Brazilian company your company imported from (name):		

⁹ For purposes of this questionnaire, “production” refers to the extraction of juice directly from oranges, and **not** remanufacturing, reprocessing, blending, or repackaging of frozen FCOJM and/or NFC.

Brazilian company your company imported from (name):		
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Please use additional lines as appropriate.

FCOJM: imports during the period Oct 2003-Sept 2004 Related company 1 (name):	Total Quantity (in pounds solids) imported from the Brazilian company	Total Quantity (in gallons at 65° Brix) imported from the Brazilian company
Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		

Please use additional lines as appropriate.

FCOJM: imports during the period Oct 2003-Sept 2004 Related company 2 (name):	Total Quantity (in pounds solids) imported from the Brazilian company	Total Quantity (in gallons at 65° Brix) imported from the Brazilian company
Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		

Please use additional lines as appropriate. If necessary, please create additional tables for any other related companies.

NFC: production ¹⁰ during the period Oct 2003-Sept 2004	Total Quantity (in pounds solids) produced in the United States	Total Quantity (in gallons at 11.8° Brix) produced in the United States
Your company (name):		
Related company 1 (name):		
Related company 2 (name):		

Please use additional lines as appropriate.

NFC: imports during the period Oct 2003-Sept 2004 Your company (name):	Total Quantity (in pounds solids) imported from the Brazilian company	Total Quantity (in gallons at 11.8° Brix) imported from the Brazilian company
Brazilian company your company imported from (name):		
Brazilian company your company imported from (name):		
Brazilian company your company imported from (name):		

Please use additional lines as appropriate.

NFC: imports during the period Oct 2003-Sept 2004 Related company 1 (name):	Total Quantity (in pounds solids) imported from the Brazilian company	Total Quantity (in gallons at 11.8° Brix) imported from the Brazilian company
Brazilian company your related company imported from (name):		

¹⁰ For purposes of this questionnaire, “production” refers to the extraction of juice directly from oranges, and **not** remanufacturing, reprocessing, blending, or repackaging of frozen FCOJM and/or NFC.

Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		

Please use additional lines as appropriate.

NFC: imports during the period Oct 2003-Sept 2004 Related company 2 (name):	Total Quantity (in pounds solids) imported from the Brazilian company	Total Quantity (in gallons at 11.8° Brix) imported from the Brazilian company
Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		
Brazilian company your related company imported from (name):		

Please use additional lines as appropriate. If necessary, please create additional tables for any other related companies.

6. Does your company, parent company, or any companies related¹¹ to your company, have any relationships with, ownership interests in (including partial ownerships), or joint-venture agreements, supply arrangements, etc., with any Brazilian producers, manufacturers or exporters of certain orange juice, **related to both subject and non-subject merchandise**? If so, please list those Brazilian companies and describe the nature of that relationship (*e.g.*, stock ownership (if so, how much?), family relationship (if so, what relationship?), etc.).

Yes _____

Brazilian Company Name(s) _____

Nature of Relationship _____

¹¹ See Attachment IV for explanation of “related parties”

No _____

7. Regarding the antidumping duty petition filed against imports of certain orange juice from Brazil, do you (note that if you select none of the following options, we will presume that you have no opinion):
 - Q Support this petition?
 - Q Oppose this petition?
 - Q Have no opinion?

8. If you oppose this petition and you answered “yes” to question 5 above or you imported certain orange juice from Brazil, describe in detail how your interests as a domestic producer would be adversely affected by the imposition of an antidumping order.

**ATTACHMENT II
CERTAIN ORANGE JUICE FROM BRAZIL
COMPANY OFFICIAL CERTIFICATION**

I, _____, currently employed
(Name and Title)

by _____, certify that (1) I have read the
(Interested Party)

attached submission, and (2) the information contained in this submission is, to the best of my knowledge, complete and accurate.

(Signature of Certifying Official)

(Date)

**ATTACHMENT III
CERTAIN ORANGE JUICE FROM BRAZIL
LEGAL COUNSEL/REPRESENTATIVE CERTIFICATION**

I, _____, of _____,
(Name) **(Law or other firm)**

counsel or representative to _____, certify that (1) I have read the
(Person)

attached submission, and (2) based on the information made available to me by

_____, I have no reason to believe that this submission contains
(Person)

any material misrepresentation or omission of fact.

(Signature of Counsel/Representative)

(Date)

ATTACHMENT IV

Pursuant to Section 771(4)(B)(ii) of the Act, "...a producer and an exporter or importer shall be considered to be related parties, if --

- (I) the producer directly or indirectly controls the exporter or importer,
- (II) the exporter or importer directly or indirectly controls the producer,
- (III) a third party directly or indirectly controls the producer and the exporter or importer, or
- (IV) the producer and the exporter or importer directly or indirectly control a third party and there is reason to believe that the relationship causes the producer to act differently than a nonrelated producer.

For purposes of this subparagraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party."

ATTACHMENT V

Request **proprietary treatment** for any information in questions 1, 2, and 6 that you do not wish to be made publicly available. As a general rule, the Department places all correspondence and submissions received in the course of an antidumping proceeding in a public reading file. However, information deemed to be **proprietary information** will not be made available to the public.

If you wish to make a request for proprietary treatment for particular information, refer to sections 351.304, 351.305, and 351.306 of the Department's **regulations**. Submit the request for proprietary treatment with the submission of the proprietary version of the questionnaire response accompanied by:

(1) a non-proprietary (public) version of your response that is in sufficient detail to permit a reasonable understanding of the information submitted in confidence,¹² and/or

(2) an itemization of particular information that you believe you are unable to summarize, accompanied by a statement of the reasons you believe that to be true.

Responses, or portions thereof, that are not adequately summarized may be returned to you and not used.

If you have any questions about how to make a public version of your questionnaire response, please contact the Department.

¹² Generally, numerical data are adequately summarized if grouped or presented in terms of indices or figures ranged within ten percent of the actual figure. If a particular portion of the data is voluminous, use ranged figures for at least one percent of the voluminous portion.