

we will instruct CBP to liquidate Nexteel's entries of subject merchandise during the POR without regard to antidumping duties. *See Nexteel's Preliminary Analysis Memo*. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. *See Notice of Policy Concerning Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (Assessment Policy Notice). This clarification will apply to entries of subject merchandise during the period of review produced by companies included in these final results of reviews for which the reviewed companies did not know that the merchandise it sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediary involved in the transaction. *See the Assessment Policy Notice* for a full discussion of this clarification.

#### Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to any party to the proceeding the calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Unless extended by the Department, case briefs are to be submitted within 30 days after the date of publication of this notice. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted no later than five days after the time limit for filing case briefs. Parties who submit arguments in this proceeding are requested to submit with the argument: 1) a statement of the issues; 2) a brief summary of the argument; and 3) a table of authorities. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Also, pursuant to 19 CFR 351.310(c), within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs. Parties will be notified of the time and location. The Department will publish the final results of this administrative review,

including the results of its analysis of issues raised in any case brief, rebuttal brief, or hearing no later than 120 days after publication of these preliminary results, unless extended. *See* 19 CFR 351.213(h).

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of administrative review and this notice are issued and published in accordance with sections 751(a)(1) and 777(I)(1) of the Act.

Dated: August 31, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7-17850 Filed 9-10-07; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-840]

#### Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review: Certain Orange Juice from Brazil

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

**SUMMARY:** Fischer S/A—Agroindustria (Fischer Agroindustria) has requested a changed circumstances review of the antidumping duty order on certain orange juice from Brazil pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.216(b). The Department of Commerce (the Department) is initiating this changed circumstances review and issuing this notice of preliminary results pursuant to 19 CFR 351.221(c)(3)(ii). We have preliminarily determined that Fischer S.A. Comercio, Industria and Agricultura (Fischer Comercio) is the successor-in-interest to Fischer Agroindustria.

**EFFECTIVE DATE:** September 11, 2007.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Eastwood, AD/CVD Operations, Office 2, Import

Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-3874.

#### SUPPLEMENTARY INFORMATION:

##### Background

On March 9, 2006, the Department published in the **Federal Register** an antidumping duty order on certain orange juice from Brazil.

On May 21, 2007, Fischer Agroindustria requested an expedited changed circumstances review to determine that Fischer Comercio is the successor-in-interest to Fischer Agroindustria and, therefore, that Fischer Comercio is subject to the antidumping duty order on certain orange juice from Brazil.

On May 29, 2007, we requested additional information from Fischer Agroindustria regarding the factors the Department examines when conducting a changed circumstances review. On June 27, 2007, Fischer Agroindustria submitted this requested information, indicating that assets of Fischer Agroindustria were spun off and merged with Fischer Comercio. On August 2, 2007, we requested additional supporting documentation from Fischer Agroindustria to substantiate its assertions that the management, suppliers, and customers of the company had not changed as a result of the merger. On August 9 and 13, 2007, Fischer submitted this requested information. According to Fischer Agroindustria, it is necessary for the Department to determine that Fischer Comercio is the successor-in-interest to Fischer Agroindustria so that Fischer Comercio's entries of subject merchandise continue to receive Fischer Agroindustria's antidumping duty rate from U.S. Customs and Border Protection (CBP).

##### Scope of the Order

The scope of this order includes certain orange juice for transport and/or further manufacturing, produced in two different forms: (1) frozen orange juice in a highly concentrated form, sometimes referred to as FCOJM; and (2) pasteurized single-strength orange juice which has not been concentrated, referred to as NFC. At the time of the filing of the petition, there was an existing antidumping duty order on FCOJ from Brazil. *See Antidumping Duty Order; Frozen Concentrated Orange Juice from Brazil*, 52 FR 16426 (May 5, 1987). Therefore, the scope of this order with regard to FCOJM covers only FCOJM produced and/or exported by those companies which were

excluded or revoked from the pre-existing antidumping order on FCOJ from Brazil as of December 27, 2004. Those companies are Cargill Citrus Limitada (Cargill), Coinbra-Frutesp S.A. (Coinbra-Frutesp), Sucocitricio Cutrale, S.A. (Cutrale), Fischer Agroindustria, and Montecitrus Trading S.A. (Montecitrus).

Excluded from the scope of the order are reconstituted orange juice and frozen concentrated orange juice for retail (FCOJR). 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[deg] 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 subheadings 2009.11.00, 2009.12.25, 2009.12.45, and 2009.19.00 of the Harmonized Tariff Schedule of the United States (HTSUS). These HTSUS subheadings are provided for convenience and for customs purposes only and are not dispositive. Rather, the written description of the scope of this order is dispositive.

#### Initiation and Preliminary Results

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. As indicated in the "Background" section, we have received information indicating that assets of Fischer Agroindustria were spun off and merged with Fischer Comercio. This constitutes changed circumstances warranting a review of the order. Therefore, in accordance with section 751(b)(1) of the Act, we are initiating a changed circumstances review based upon the information contained in Fischer Agroindustria's submissions.

Section 351.221(c)(3)(ii) of the Department's regulations permits the Department to combine the notice of initiation of a changed circumstances review and the notice of preliminary results if the Department concludes that expedited action is warranted. In this instance, because we have on the record the information necessary to make a preliminary finding, we find that expedited action is warranted and have combined the notice of initiation and the notice of preliminary results.

In making a successor-in-interest determination, the Department examines several factors including, but not limited to, changes in: (1) management; (2) production facilities; (3) supplier relationships; and (4) customer base. *See, e.g., Notice of Final Results of Changed Circumstances Antidumping Duty Administrative Review: Polychloroprene Rubber From Japan*, 67 FR 58 (Jan. 2, 2002); *Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review*, 57 FR 20460, 20462 (May 13, 1992). While no single factor or combination of these factors will necessarily provide a dispositive indication of a successor-in-interest relationship, the Department will generally consider the new company to be the successor to the previous company if the new company's resulting operation is not materially dissimilar to that of its predecessor. *See, e.g., Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979 (Mar. 1, 1999); *Industrial Phosphoric Acid from Israel: Final Results of Changed Circumstances Review*, 59 FR 6944 (Feb. 14, 1994). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the former company, the Department will accord the new company the same antidumping treatment as its predecessor.

In its May 21, 2007, submission, Fischer Agroindustria states that the operational functions of Fischer Agroindustria were collapsed into Fischer Comercio. According to Fischer Agroindustria's June 27, 2007, submission, the company's management, production facilities and customer/supplier relationships have not changed as a result of the merger. To support its claims, Fischer Agroindustria submitted the following documents: (1) organizational charts from before and after the date of the merger; (2) minutes from the special meeting of shareholders for Fischer Agroindustria held December 31, 2006; (3) minutes from the special meeting of shareholders for Fischer Comercio held December 31, 2006; (4) the "Protocol for Justification of Spin-Off Followed by Merger" (the Protocol); (5) the list of shareholders of Fischer Comercio before and after the merger, as filed with the Register of Commerce in Brazil; (6) approval from the Register of Commerce of the minutes of the December 31, 2006, special meetings of Fischer

Agroindustria and Fischer Comercio and of the Protocol; (7) a list of the managers of Fischer Agroindustria before the merger and Fischer Comercio after the merger; (8) a list of the suppliers of Fischer Agroindustria before the merger and Fischer Comercio after the merger; and (9) a list of the customers of Fischer Agroindustria before the merger and Fischer Comercio after the merger.

Based on the information submitted by Fischer Agroindustria, we preliminarily find that Fischer Comercio is the successor-in-interest to Fischer Agroindustria. Based on the evidence reviewed, we find that Fischer Comercio operates as the same business entity as Fischer Agroindustria and that the production facilities, supplier relationships, and customers have not changed as a result of the merger. Further, the companies' senior management is largely the same. Thus, we preliminarily find that Fischer Comercio should receive the same antidumping duty cash-deposit rate (*i.e.*, 12.46 percent) with respect to the subject merchandise as Fischer Agroindustria, its predecessor company.

However, because cash deposits are only estimates of the amount of antidumping duties that will be due, changes in cash deposit rates are not made retroactive. If Fischer Comercio believes that the deposits paid exceed the actual amount of dumping, it is entitled to request an administrative review during the anniversary month of the publication of the order of those entries to determine the proper assessment rate and receive a refund of any excess deposits. *See Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Changed-Circumstances Antidumping and Countervailing Duty Administrative Reviews*, 64 FR 66880 (Nov. 30, 1999). As a result, if these preliminary results are adopted in our final results of this changed circumstances review, we will instruct CBP to suspend shipments of subject merchandise made by Fischer Comercio at Fischer Agroindustria's cash deposit rate (*i.e.*, 12.46 percent).

#### Public Comment

Any interested party may request a hearing within 30 days of publication of this notice. *See* 19 CFR 351.310(c). A hearing, if requested, will be held 44 days after the date of publication of this notice, or the first working day thereafter. Interested parties may submit case briefs and/or written comments not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written

comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 37 days after the date of publication of this notice. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Consistent with 19 CFR 351.216(e), we will issue the final results of this changed circumstances review no later than 270 days after the date on which this review was initiated, or within 45 days if all parties agree to our preliminary finding. We are issuing and publishing this finding and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216.

Dated: September 5, 2007.

**David M. Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. E7-17873 Filed 9-10-07; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-878]

#### Saccharin from the People's Republic of China: Final Results of the 2005-2006 Antidumping Duty Administrative Review

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

**SUMMARY:** On May 4, 2007, the Department of Commerce ("Department") published *Saccharin from the People's Republic of China: Preliminary Results of the 2005 2006 Antidumping Duty Administrative Review*, 72 FR 25247 (May 4, 2007) ("*Preliminary Results*"). The period of review ("POR") is July 1, 2005, through June 30, 2006. The administrative review covers one respondent, Shanghai Fortune Chemical Co., Ltd. ("Shanghai Fortune").

We invited interested parties to comment on our *Preliminary Results*. Based on our analysis of the comments received, we made certain changes to our calculations. The final dumping margin for the administrative review is listed in the "Final Results of the Review" section, below.

**EFFECTIVE DATE:** September 11, 2007.

**FOR FURTHER INFORMATION CONTACT:** Frances Veith or Blanche Ziv, AD/CVD Operations, Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th St. and Constitution

Avenue, NW, Washington, DC 20230; telephone: (202) 482-4295 or (202) 482-4207, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 4, 2007, the Department published the *Preliminary Results* of the 2005-2006 administrative review of the antidumping duty order on saccharin from the People's Republic of China ("PRC"). Since the publication of the *Preliminary Results*, the following events have occurred.

On May 24, 2007, the Department received a submission on surrogate value data from Shanghai Fortune.<sup>1</sup> In the *Preliminary Results*, we stated that any interested party may request a hearing and may submit briefs or written comments within 30 days of publication of the *Preliminary Results* notice in the **Federal Register**, and may submit rebuttal briefs, limited to the issues raised in the case briefs, five days subsequent to the due date of the case briefs. See *Preliminary Results*, 72 FR at 25252. On June 4, 2007, the Department received a case brief from Shanghai Fortune.<sup>2</sup> However, we did not receive any hearing requests or rebuttal briefs on the *Preliminary Results*.

We conducted this review in accordance with sections 751 and 777(i)(1) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.213 and 351.221.

##### Period of Review

The POR is July 1, 2005, through June 30, 2006.

##### Scope of the Order

The product covered by this antidumping duty order is saccharin. Saccharin is defined as a non-nutritive sweetener used in beverages and foods, personal care products such as toothpaste, table top sweeteners, and animal feeds. It is also used in metalworking fluids. There are four primary chemical compositions of saccharin: (1) Sodium saccharin (American Chemical Society Chemical Abstract Service ("CAS") Registry 128-44-44); (2) calcium saccharin (CAS Registry 6485-34-34); (3) acid (or insoluble) saccharin (CAS Registry 81-07-07); and (4) research grade saccharin. Most of the U.S.-produced and imported grades of saccharin from

the PRC are sodium and calcium saccharin, which are available in granular, powder, spray-dried powder, and liquid forms. The merchandise subject to this order is currently classifiable under subheading 2925.11.00 of the *Harmonized Tariff Schedule of the United States* ("HTSUS") and includes all types of saccharin imported under this HTSUS subheading, including research and specialized grades. Although the HTSUS subheading is provided for convenience and customs purposes, the Department's written description of the scope of this order remains dispositive.

##### Analysis of Comments Received

All issues raised in the case brief filed by Shanghai Fortune in this review are addressed in the Memorandum from Stephen J. Claeys, Deputy Assistant Secretary for Import Administration, to David M. Spooner, Assistant Secretary for Import Administration, "Issues and Decision Memorandum for the 2005-2006 Administrative Review of Saccharin From the People's Republic of China," dated concurrently with this notice ("*Issues and Decision Memo*"), which is hereby adopted by this notice. A list of the issues raised by Shanghai Fortune and to which we have responded in the *Issues and Decision Memo* follows as an appendix to this notice. The *Issues and Decision Memo* is a public document which is on file in the Central Records Unit ("CRU") in room B-099 of the main Department building, and is also accessible on the Web at <<http://ia.ita.doc.gov/frn/>>. The paper copy and electronic version of the *Issues and Decision Memo* are identical in content.

##### Changes Since the Preliminary Results

Based on our analysis of comments received from Shanghai Fortune and information on the record of this review, we made changes to the margin calculations as noted below.

For the final results, we have made changes to the surrogate values for aqueous ammonia and steam coal. For further details, see the *Issue and Decision Memo* at Comments 1 and 3, the *Shanghai Fortune Analysis Memo*<sup>3</sup> and the *Final Surrogate Value Memo*.<sup>4</sup>

<sup>3</sup> See Memorandum to the file through Blanche Ziv, Program Manager, NME Group/Office 8, Import Administration, from Ann Fornaro, International Trade Analyst, NME Group/Office 8, Import Administration, regarding, "Analysis for the Final Results of the 2005-2006 Administrative Review of the Antidumping Duty Order on Saccharin from the People's Republic of China: Shanghai Fortune Chemical Co., Ltd.," dated concurrently with this notice ("*Shanghai Fortune Analysis Memo*").

<sup>4</sup> See Memorandum to the file through Blanche Ziv, Program Manager, AD/CVD Operations, Office

<sup>1</sup> See Letter from Shanghai Fortune regarding, "Saccharin from the People's Republic of China: Submission of Publicly Available Data For Use As Surrogate Values," dated May 24, 2007.

<sup>2</sup> See Letter from Shanghai Fortune regarding, "Saccharin from the People's Republic of China: Case Brief of Shanghai Fortune Chemical Company, Ltd.," dated June 4, 2007.