

in the preparation of fresh salsa or salad bars), are covered by this Agreement.

Commercially grown tomatoes, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, grape, plum, greenhouse, and pear tomatoes, all of which are covered by this investigation.

Tomatoes imported from Mexico covered by this investigation are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTSUS), according to the season of importation: 0702 and 9906.07.01 through 9906.07.09. Although the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Intent To Terminate Suspension Agreement and Resume the Antidumping Investigation

On November 26, 2007, Mexican tomato growers/exporters accounting for a significant percentage of all fresh tomatoes imported into the United States from Mexico provided written notice to the Department of their withdrawal from the 2002 Suspension Agreement, effective 90 days from the date of their withdrawal letter, or earlier, at the Department's discretion. Based on the withdrawal of the growers/exporters accounting for a significant percentage of exports of tomatoes to the United States from the 2002 Suspension Agreement, the 2002 Suspension Agreement will no longer cover substantially all imports of fresh tomatoes from Mexico. Accordingly, the Department intends to terminate the 2002 Suspension Agreement, effective no later than February 24, 2008.

Intent To Resume Antidumping Investigation

With the termination of the suspension agreement, in accordance with section 734(i)(1)(B) of the Act, the Department intends to resume the underlying antidumping investigation. Pursuant to section 734(i)(1)(B) of the Act, the Department intends to resume the investigation as if it had published the affirmative preliminary determination under section 733(b) of the Act on the effective date of the termination. As explained in the *Preliminary Determination* at 61 FR 56609, the Department postponed the final determination until the 135th day after the date of the preliminary determination. The Department therefore intends to make its final determination in the resumed

investigation within 135 days of termination of the 2002 Suspension Agreement.

Intent To Terminate the Five-Year Sunset Review

On November 1, 2007, the Department initiated a five-year sunset review of the suspended antidumping investigation on fresh tomatoes from Mexico pursuant to section 751(c) of the Act (*See Initiation of Five-Year ("Sunset") Reviews*, 72 FR 61861 (November 1, 2007)).

If the Department terminates the 2002 Suspension Agreement, there will no longer be a suspended investigation of which to perform a sunset review. Therefore, the Department announces its intent to terminate the sunset review of the suspended LTFV investigation on fresh tomatoes from Mexico, effective on the date of termination of the 2002 Suspension Agreement.

International Trade Commission

The Department has notified the International Trade Commission (ITC) of its intent to terminate the 2002 Suspension Agreement and resume the LTFV investigation. If the Department makes a final affirmative determination, the ITC is scheduled to make its final determination concerning injury within 45 days after publication of the Department's final determination. If both the Department's and the ITC's final determinations are affirmative, the Department will issue an antidumping duty order.

Suspension of Liquidation

The Department will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of fresh tomatoes from Mexico that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the termination of the 2002 Suspension Agreement. CBP shall require antidumping duty cash deposits or bonds for entries of the subject merchandise based on the preliminary dumping margins, which range from 4.16 to 188.45 percent.

Administrative Protective Order Access

Administrative protective orders previously granted in the original investigation will remain in effect. Any necessary amendments for changes in staff must be submitted promptly. Parties must use the APO application form in effect at the time of the original investigation, Form ITA-367 (3.89).

This determination is issued and published in accordance with section 733(f) of the Act (19 U.S.C. 1673b(f)) and 19 CFR 353.15(1996).

Dated: December 7, 2007.

David M. Spooner,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-421-811]

Purified Carboxymethylcellulose from the Netherlands: Final Results of Antidumping Duty Administrative Review

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

SUMMARY: On August 7, 2007, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from the Netherlands. The period of review (POR) is December 27, 2004, through June 30, 2006. We received comments from interested parties and have made changes to the margin for the final results. The final margin for the respondent is listed below in the section entitled "Final Results of Review."

EFFECTIVE DATE: December 13, 2007.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey or Angelica Mendoza, AD/CVD Operations, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0193 or (202) 482-3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2007, the Department published the preliminary results of the administrative review of the antidumping duty order on CMC from the Netherlands. *See Purified Carboxymethylcellulose from the Netherlands; Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 44099 (August 7, 2007) (*Preliminary Results*). On August 7, 2007, the Department issued an additional supplemental questionnaire to CP Kelco B.V. and Noviant B.V. (collectively, CP Kelco), respondent in this administrative review, requesting that it report third country and U.S. sales factoring expenses on a transaction-specific basis to the Department. CP Kelco submitted its response on August 15, 2007. *See Letter*

from Arent Fox, LLP to the Secretary of Commerce dated August 15, 2007 (Factoring Expenses Supplemental Response). For a further discussion of CP Kelco's factoring expenses, see "Changes Since the Preliminary Results" section below. We invited interested parties to comment on the *Preliminary Results*. On September 6, 2007, CP Kelco filed with the Department its case brief on the *Preliminary Results*. On September 11, 2007, The Aqualon Company, a division of Hercules Incorporated (petitioner) filed its rebuttal brief to CP Kelco's September 6, 2007, case brief. We received no requests for a public hearing from the parties.

Scope of the Antidumping Duty Order

The merchandise covered by the order is all purified CMC, sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations, which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent. The merchandise subject to this order is currently classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope of this order is dispositive.

Analysis of Comments Received

All issues raised in the briefs are addressed in the "Issues and Decision Memorandum for the Final Results of the First Antidumping Duty Administrative Review of Purified Carboxymethylcellulose from the Netherlands," dated December 3, 2007 (Issues and Decision Memorandum), which is hereby adopted by this notice. A list of the issues raised, all of which are in the Issues and Decision Memorandum, is attached to this notice as Appendix I. Parties can find a complete discussion of all issues raised in the briefs and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit (CRU), room B-099 of the Department of Commerce building. In addition, a complete version of the Issues and Decision

Memorandum can be accessed directly on the Web at <http://www.trade.gov/ia/>. The paper copy and electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from the interested parties, we have made changes to the margin calculation for CP Kelco, which include corrections to clerical errors made at the *Preliminary Results* with regard to foreign currency conversions. Additionally, as stated above, CP Kelco submitted its Factoring Expenses Supplemental Response on August 15, 2007. Petitioner did not comment on these data in its case and rebuttal briefs. Following our review of these data, we have determined that it is appropriate to revise our calculation of both comparison market and U.S. market net price using the transaction-specific factoring expenses (*i.e.*, transaction fees charged to CP Kelco by its affiliated financial institution for purchasing CP Kelco's account receivables and remitting payment to CP Kelco at an earlier date than payment would have been otherwise received from the invoiced customer) reported by CP Kelco in the Factoring Expenses Supplemental Response. For a discussion of the changes to the margin calculations for CP Kelco, see Memorandum to the File entitled, "First Antidumping Duty Administrative Review of Purified Carboxymethylcellulose from the Netherlands: Analysis Memorandum for the Final Results of Review for CP Kelco B.V.," from Stephen Bailey, Case Analyst, dated December 3, 2007 (Final Analysis Memo). A public version of this memorandum is on file in the CRU.

Final Results of Review

In the *Preliminary Results*, we preliminarily determined that CP Kelco B.V., as it alleged, is the successor-in-interest to the former Noviant B.V. for purposes of this proceeding and application of the antidumping law. We did not receive comments on this issue and have no reason to change our findings from the *Preliminary Results*. For a complete discussion of our successorship analysis, see *Preliminary Results* at 44101.

Accordingly, we determine that CP Kelco B.V. is the successor-in-interest to Noviant B.V., and that the following antidumping duty margin exists for the period December 27, 2004, through June 30, 2006:

Manufacturer/Exporter	Weighted-Average Margin (Percent)
CP Kelco B.V.	4.59

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. Pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.212(b), the Department calculates an assessment rate for each importer of the subject merchandise covered by the review. Upon issuance of the final results of this review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.*, at or above 0.50 percent), we will issue appraisal instructions directly to CBP to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. To determine whether the duty-assessment rate covering the period is *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we have calculated an importer-specific assessment *ad valorem* rate by aggregating the dumping margins calculated for all U.S. sales to the importers of CP Kelco's subject merchandise and dividing this amount by the total entered value of the sales to that importer. Where the importer-specific *ad valorem* rate is greater than *de minimis*, we will instruct CBP to apply the assessment rate to the entered value of the importer's entries during the POR. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*). This clarification will apply to entries of subject merchandise during the POR produced by CP Kelco, for which CP Kelco did not know that the merchandise it sold to an 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 company-specific rate for an intermediary involved in the transaction. See *Assessment Policy Notice* for a full discussion of this clarification.

Cash-Deposit Requirements

The following deposit requirements will be effective upon publication of these final results of this administrative review for all shipments of CMC from the Netherlands that are entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results, as provided by section 751(a)(2)(C) of the Act: (1) the cash-deposit rate for CP Kelco will be 4.59 percent; (2) for merchandise exported by producers or exporters that were previously investigated, the cash deposit will continue to be the most recent rate published in the final determination for which the producer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review or the original less-than-fair-value investigation (LTFV) but the manufacturer is, the cash-deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or the LTFV investigation, the cash-deposit rate shall be 14.57 percent, the all-others rate established in the less-than-fair-value investigation. See *Notice of Final Determination of Sales at Less Than Fair Value: Purified Carboxymethylcellulose from the Netherlands*, 70 FR 28275 (May 17, 2005). These cash-deposit requirements shall remain in effect until further notice.

Notification to Importers

This notice serves as a final 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 the 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.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation that is subject to sanction.

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

Dated: December 3, 2007.

Stephen J. Claeys,

Acting Assistant Secretary for Import Administration.

Appendix I

Comment 1: Alleged Errors Regarding Foreign Currency Conversions

Comment 2: Excluded Constructed Export Price Sales

Comment 3: Zeroing of Non-Dumping Margins

[FR Doc. E7-24186 Filed 12-12-07; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

North American Free Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews: Notice of Consent Motion To Terminate Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Consent Motion to Terminate Panel Review of the Final Injury Determination Under Section 129 of the Uruguay Round Agreements Act made by the International Trade Commission, respecting Certain Softwood Lumber from Canada (Secretariat File No. USA-CDA-2005-1904-03).

SUMMARY: Pursuant to the Notice of Consent Motion to Terminate the Panel Review by the case participants, the panel review is terminated as of December 7, 2007. Pursuant to Rule 71(2) of the *Rules of Procedure for Article 1904 Binational Panel Review*, this panel review is terminated.

FOR FURTHER INFORMATION CONTACT: Caratina L. Alston, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it

conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter was requested and terminated pursuant to these Rules.

Dated: December 10, 2007.

Caratina L. Alston,

United States Secretary, NAFTA Secretariat.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE31

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit (EFP)

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

ACTION: Notification of a proposal for an EFP to conduct experimental fishing; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject EFP application submitted by Truex Enterprises contains all the required information and warrants further consideration. The proposed EFP would test the safety and efficacy of harvesting surfclams and ocean quahogs from the Atlantic surfclam and ocean quahog Georges Bank (GB) Closure Area using a harvesting protocol developed by state and Federal regulatory agencies and endorsed by the U.S. Food and Drug Administration (FDA). The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Atlantic Surfclam and Ocean Quahog regulations and Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is