

Dated: February 4, 2010.

**Ronald K. Lorentzen,**

*Deputy Assistant Secretary for Import Administration.*

## APPENDIX I

*List of Comments in the Accompanying Issues and Decision Memorandum*

### Company-Specific Issues

#### Blue Bird

#### IScholar

*Comment 1: Whether the Transaction-Specific Margin Assigned to Blue Bird Is Aberrational*

#### Navneet

*Comment 2: Whether to Use the Invoice Date or Purchase Order Date for U.S. Sales*

*Comment 3: Navneet's Model Match Sub-Codes*

*Comment 4: Offset of Countervailing Duty Duties*

*Comment 5: Levels of Trade*

*Comment 6: Treatment of*

*Merchandising Expense*

*Comment 7: Treatment of Negative Dumping Margins (Zeroing)*

[FR Doc. 2010-3404 Filed 2-19-10; 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 Changed Circumstances Review

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

**SUMMARY:** The Department of Commerce ("Department") published its preliminary results of changed circumstances review for saccharin from the People's Republic of China in ("PRC") on December 1, 2009.<sup>1</sup> We invited interested parties to comment on our preliminary results. No parties commented on our preliminary results. Therefore, the preliminary results are hereby adopted as the final results.

**DATES:** *Effective Date:*

February 22, 2010.

#### FOR FURTHER INFORMATION CONTACT:

Giselle Cubillos or Charles Riggall, AD/CVD Operations, Office 8, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1778 and (202) 482-0650, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On July 9, 2003, the Department published in the **Federal Register** an antidumping duty order on saccharin from the PRC.<sup>2</sup> On June 8, 2009, the Department published in the **Federal Register** the notice of continuation of antidumping duty order on saccharin from the PRC.<sup>3</sup> On June 4, 2009, the Department received a request on behalf of PMC Specialties Group, Inc. ("PMCSG") for a changed circumstances review to revoke the antidumping duty order on saccharin from the PRC. PMCSG claimed that, as the sole domestic producer of saccharin, it no longer had an interest in the *Saccharin Order*. As part of its submission, PMCSG requested that the Department combine the notice of initiation with the preliminary results to revoke the *Saccharin Order*.

On July 9, 2009, the Department received a letter opposing the request for a changed circumstances review from Kinetic Industries ("Kinetic").<sup>4</sup> Kinetic claimed that it produces saccharin through a third party toller in the United States and that both parties, Kinetic and its toll producer, are interested parties as domestic producers of saccharin. Both Kinetic and its toll producer requested that the Department not issue expedited preliminary results in this changed circumstances review.

On July 23, 2009, the Department published in the **Federal Register** a notice of initiation of changed circumstances review for saccharin from the PRC. On July 23, 2009, the Department also issued questionnaires to PMCSG, Kinetic, and Kinetic's toller to solicit relevant information and fully evaluate the request to revoke the *Saccharin Order*, as well as the arguments against revocation. On July 24, 2009, the Department issued a letter to Kinetic and its toller notifying them that the Department could not grant

<sup>2</sup> See *Notice of Antidumping Duty Order: Saccharin from the People's Republic of China*, 68 FR 40906 (June 9, 2003) ("Saccharin Order").

<sup>3</sup> See *Continuation of Antidumping Duty Order on Saccharin from the People's Republic of China*, 74 FR 27089 (June 8, 2009).

<sup>4</sup> Although Kinetic filed a letter opposing PMCSG's request for changed circumstances review on July 2, 2009, the Department rejected that letter because it did not contain the appropriate certifications. The Department requested that Kinetic re-file its submission by July 10, 2009. On July 9, 2009, Kinetic refiled its submission with the appropriate certifications.

proprietary treatment to the toll producer's name if the toll producer wished to be an interested party to the proceeding, and that, should the toller wish to continue as an interested party, the toller would need to submit a revised notice of appearance without its name bracketed. The toller did not submit a revised notice of appearance.

On August 17, 2009, the Department received questionnaire responses from Kinetic and Kinetic's toller. The Department has not received any response from PMCSG. In addition, PMCSG indicated to the Department that it would not respond to the questionnaire.<sup>5</sup>

On September 4, 2009, Kinetic submitted a letter urging the Department to issue expedited negative preliminary results of the changed circumstances review and determine that domestic producers have affirmatively expressed an interest in maintaining the *Saccharin Order*. On October 26, 2009, PMCSG submitted a letter stating that it determined not to respond to the Department's July 23, 2009, questionnaire, and that it is PMCSG's position that the record contains substantial evidence that it is a commercial producer and accounts for all U.S. production.

On December 1, 2009, the Department published its preliminary results. No parties commented on our preliminary results.

#### 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 128-44-9); (2) calcium saccharin (CAS Registry 6485-34-3); (3) acid (or insoluble) saccharin (CAS Registry 81-07-2); 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*

<sup>5</sup> See Memorandum to The File, "Changed Circumstances Review of Saccharin from the People's Republic of China: Phone Call to Wiley Rein LLP" (August 28, 2009).

<sup>1</sup> See *Saccharin from the People's Republic of China: Preliminary Results of Changed Circumstances Review*, 74 FR 62745 (December 1, 2009) ("Preliminary Results").

("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

No parties commented on the preliminary results.

#### Final Results of Changed Circumstances Review

As the Department explained in the *Preliminary Results*, in the five-year sunset review of this order, the Department stated that "PMCSG claimed interested party status under section 771(9)(C) of the Tariff Act of 1930, as amended ("the Act"), as the sole domestic producer of saccharin in the United States and the petitioner in the original investigation," which was not contested during the sunset review.<sup>6</sup> However, since PMCSG failed to respond to the Department's questionnaire in the instant review, the Department is unable to determine PMCSG's status as a producer of the domestic like product during the instant review period and whether it represents "substantially all of the production of the domestic like product," as required under the Department's regulations governing revocation. See 19 CFR 351.222(g)(1)(i). Accordingly, we are notifying the public of our intent to not revoke the antidumping duty order as it relates to imports of saccharin from the People's Republic of China.

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

Dated: February 4, 2010.

**Ronald K. Lorentzen,**  
Deputy Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XU41

#### Marine Mammals; File No. 13545

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Ocean Alliance, Inc. (Responsible Party: Iain Kerr), 191 Weston Road, Lincoln, MA 01773, has been issued a permit to conduct research on and import specimens of marine mammals.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment (See **SUPPLEMENTARY INFORMATION**).

**FOR FURTHER INFORMATION CONTACT:** Amy Hapeman or Amy Sloan, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On August 20, 2008, notice was published in the **Federal Register** (73 FR 49174) that a request for a scientific research permit to take sperm (*Physeter macrocephalus*), blue (*Balaenoptera musculus*), Bryde's (*B. edeni*), dwarf sperm (*Kogia sima*), false killer (*Pseudorca crassidens*), fin (*B. physalus*), gray (*Eschrichtius robustus*), humpback (*Megaptera novaeangliae*), killer (*Orcinus orca*), minke (*B. acutorostrata*), pilot (*Globicephala* spp.), pygmy sperm (*K. breviceps*), sei (*B. borealis*), southern right (*Eubalaena australis*), northern right (*E. glacialis*), and unidentified beaked (*Ziphius cavirostris* and *Mesoplodon* spp.) whales, and common dolphins (*Delphinus delphis*), had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 13545 authorizes Ocean Alliance, Inc. to conduct research over a five-year period to determine contaminant levels; culture cells; and collect data on abundance, movement and distribution patterns, habitat use, energetics, behaviors, and stock and social structures of the above identified species. During vessel surveys researchers may harass live animals and collect tissues from dead, stranded cetaceans in U.S. waters and on the high seas. Researchers may conduct: biopsy sampling, collection of sloughed skin and feces, photo-identification, videography, passive acoustic recording, focal follows, and behavioral observation of up to 250 sperm whales annually and 20 animals annually for

each of the above remaining species, except southern right whales. Researchers may import from foreign waters 150 sperm whale samples per year and 20 samples per year each for all other identified species. Research may occur in U.S. waters and the high seas of the Pacific and Atlantic Oceans, including the Gulf of Maine, Mexico and the Caribbean Sea, the territorial waters of Mexico, Indian Ocean, and Mediterranean Sea.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed in the following locations:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)713-0376;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0700; phone (206)526-6150; fax (206)526-6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249;

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018;

Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808)944-2200; fax (808)973-2941;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978)281-9328; fax (978)281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

Dated: February 16, 2010.

**P. Michael Payne,**  
Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

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<sup>6</sup> See *Saccharin from the People's Republic of China: Notice of Final Results of Expedited Sunset Review of Antidumping Duty Order*, 73 FR 59604 (October 9, 2008).