

before and after the name change, the resolution of the Board of Directors authorizing the name change, the application for the name change filed with the Wuxian City Foreign Economic and Trade Commission and the Commission's approval of the application, and corporate organization charts before and after the name change. Suzhou Health Products also stated that since the name change, subject merchandise was produced at the same facilities that Suzhou Chemical used to produce subject merchandise during the original sales-at-less-than-fair-value investigation (*see Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate from the People's Republic of China*, 64 FR 71104 (December 20, 1999)).

Suzhou Health Products, in its February 12, 2003, submission, has provided evidence there were no changes in the company's corporate structure and management as a result of, or contemporaneously with, the change of name. With respect to supplier relationships, Suzhou Health Products states that no suppliers have discontinued their relationship with the company since the name change and, while certain suppliers have been added, the addition of these new suppliers is merely a consequence of normal market conditions and the availability of supply. Finally, Suzhou Health Products asserts that there have been no changes in its customer relationships or customer base due to the name change, sales of Suzhou Health Products entirely replace the sales of Suzhou Chemical, and there have been no changes in product names or product brands.

Based on the information submitted by Suzhou Health Products, we preliminarily find that Suzhou Health Products is the successor-in-interest to Suzhou Chemical. We find that the company's organizational structure, senior management, production facilities, supplier relationships, and customers have remained essentially unchanged. Furthermore, Suzhou Health Products has provided sufficient documentation of its name change. Based on all the evidence reviewed, we find that Suzhou Health Products operates as the same business entity as Suzhou Chemical. Thus, we preliminarily find that Suzhou Health Products should receive the same antidumping duty cash-deposit rate (*i.e.*, a 50.32 percent antidumping duty cash-deposit rate) with respect to the subject merchandise as Suzhou Chemical, its predecessor company.

## Public Comment

Any interested party may request a hearing within 30 days of publication of this notice. *See* 19 CFR 351.310(c). Any 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. 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 section 351.216(e) of the Department's regulations, 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 section 351.216 of the Department's regulations.

Dated: February 24, 2003.

**Susan Kuhbach,**

*Acting Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-847]

### Persulfates From the People's Republic of China: Notice of Initiation of Changed Circumstances Review

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

**ACTION:** Notice of initiation of changed circumstances review.

**SUMMARY:** In accordance with 19 CFR 351.216(b), FMC Corporation, a U.S. producer of persulfates and an interested party in this proceeding, filed a request for a changed circumstances review of the antidumping duty order on persulfates from the People's Republic of China, as described below. In response to this request, the Department of Commerce is initiating a changed circumstances review of the

antidumping duty order on persulfates from the People's Republic of China.

**EFFECTIVE DATE:** February 28, 2003.

**FOR FURTHER INFORMATION CONTACT:** Mike Strollo or Robin Moore, Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-0629 or (202) 482-3773, respectively.

**SUPPLEMENTARY INFORMATION:** On July 7, 1997, the Department published in the **Federal Register** the antidumping duty order on persulfates from the People's Republic of China (PRC). *See Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Persulfates From the People's Republic of China*, 62 FR 36259 (July 7, 1997). In addition, on August 27, 2002, the Department initiated an administrative review of the antidumping duty order on persulfates covering one PRC exporter, Shanghai Ai Jian Import and Export Corporation (Ai Jian), and its wholly-owned subsidiary, Shanghai Ai Jian Reagent Factory (AJ Works). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 67 FR 55000 (Aug. 27, 2002). As part of this review, the Department is considering whether it is appropriate to revoke the antidumping order with respect to Ai Jian and AJ Works.

On January 7, 2003, FMC Corporation (FMC), a U.S. producer of persulfates, notified the Department that Degussa AG (Degussa) had purchased seventy percent of AJ Works and that, as a result, the name of AJ Works changed to Degussa-AJ (Shanghai) Initiators Co., Ltd. (Degussa-AJ). FMC requested that the Department initiate a changed circumstances review to determine whether Degussa-AJ is, in fact, the successor-in-interest to AJ Works, and hence, whether it should be considered the same entity with regards to the pending revocation request. In addition, FMC requested that the Department issue the preliminary results of the changed circumstances review in conjunction with the notice of initiation, in accordance with 19 CFR 351.221(c)(3)(ii).

### Scope of Review

The products covered by this review are persulfates, including ammonium, potassium, and sodium persulfates. The chemical formula for these persulfates are, respectively, (NH<sub>4</sub>)<sub>2</sub>S<sub>2</sub>O<sub>8</sub>, K<sub>2</sub>S<sub>2</sub>O<sub>8</sub>, and Na<sub>2</sub>S<sub>2</sub>O<sub>8</sub>. Potassium persulfates are currently classifiable under subheading 2833.40.10 of the *Harmonized Tariff*

*Schedule of the United States* (HTSUS). Sodium persulfates are classifiable under HTSUS subheading 2833.40.20. Ammonium and other persulfates are classifiable under HTSUS subheadings 2833.40.50 and 2833.40.60. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this review is dispositive.

#### Initiation of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (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. The information submitted by FMC shows changed circumstances sufficient to warrant a review. See 19 CFR 351.216(c).

Concerning FMC's request that the Department issue the preliminary results of the changed circumstances review in conjunction with the notice of initiation, FMC has not provided sufficient evidence to support a preliminary finding. FMC requested this changed circumstances review for the purpose of determining whether Degussa-AJ is the successor-in-interest to AJ Works. In making successor-in-interest determinations, 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., *Brass Sheet and Strip from Canada; Final Results of Antidumping Duty Administrative Review*, 57 FR 20460, 20461 (May 13, 1992). While no single factor, or combination of factors, will necessarily be dispositive, the Department will generally consider the new company to be the successor to its predecessor company if the resulting operations are essentially the same as the predecessor company. See, e.g., *id.*, and *Industrial Phosphoric Acid from Israel; Final Results of Changed Circumstances Review*, 59 FR 6944, 6945 (Feb. 14, 1994). Thus, if the evidence demonstrates that, with respect to the production and sale of the subject merchandise, the new company does not operate as the same business entity as its predecessor, the Department will not treat the new company as the successor-in-interest to the predecessor. In this instance, while FMC has stated for the record that the AJ Works' owners, management structure, supplier relationships and customer base have

changed, it has not provided evidence supporting these statements.

We note that the circumstances here involve a change in ownership of a producer in a nonmarket economy country. Consequently, the analysis applied and the relevant facts may differ from successor-in-interest determinations in other situations. Nonetheless, we find that a changed circumstances review is warranted, and we will examine such questions in the course of this review.

Therefore, in accordance with section 751(b)(1) of the Act and sections 19 CFR 351.216(b) and 351.221(b)(1), we are initiating a changed circumstances administrative review.

Interested parties may submit comments for consideration in the Department's preliminary results not later than May 1, 2003. Responses to those comments may be submitted not later than 10 days following submission of the comments. All written comments must be submitted in accordance with 19 CFR 351.303, and must be served on all interested parties on the Department's service list in accordance with 19 CFR 351.303.

The Department will publish in the **Federal Register** a notice of preliminary results of changed circumstances review, in accordance with 19 CFR 351.221(c)(3)(i), which will set forth the factual and legal conclusions upon which our preliminary results are based, and a description of any action proposed based on those results. The Department will also issue its final results of review within 270 days after the date on which the changed circumstances review is initiated, in accordance with 19 CFR 351.216(e), and will publish these results in the **Federal Register**.

While the changed circumstances review is under way, the current requirement for a cash deposit of estimated antidumping duties on all subject merchandise, including the merchandise that is the subject of this changed circumstances review, will continue unless and until it is modified pursuant to the final results of this changed circumstances review or the ongoing 2001–2002 administrative review.

This notice is in accordance with sections 751(b)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: February 21, 2003.

**Faryar Shirzad**,  
Assistant Secretary for Import Administration.

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## DEPARTMENT OF COMMERCE

### International Trade Administration

## DEPARTMENT OF THE INTERIOR

[Docket No. 990813222–0035–03]

RIN 0625–AA55

### Allocation of Duty-Exemptions for Calendar Year 2003 Among Watch Producers Located in the Virgin Islands

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** This action allocates calendar year 2003 duty exemptions for watch producers located in the Virgin Islands pursuant to Pub. L. 97–446, as amended by Pub. L. 103–465 (“the Act”).

**FOR FURTHER INFORMATION CONTACT:** Faye Robinson, (202) 482–3526.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the United States insular possessions and the Northern Mariana Islands. In accordance with Section 303.3(a) of the regulations (15 CFR 303.3(a)), the total quantity of duty-free insular watches and watch movements for calendar year 2003 is 1,866,000 units for the Virgin Islands (65 FR 8048, February 17, 2000).

The criteria for the calculation of the calendar year 2003 duty-exemption allocations among insular producers are set forth in Section 303.14 of the regulations (15 CFR 303.14).

The Departments have verified and adjusted the data submitted on application form ITA–334P by Virgin Islands producers and inspected their current operations in accordance with Section 303.5 of the regulations (15 CFR 303.5).

In calendar year 2002 the Virgin Islands watch assembly firms shipped 460,504 watches and watch movements into the customs territory of the United States under the Act. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 2002 plus the creditable wages paid by the industry during calendar year 2002 to residents of the territory was \$3,052,648.

There are no producers in Guam, American Samoa or the Northern Mariana Islands.

The calendar year 2003 Virgin Islands annual allocations, based on the data