

Singapore⁵), the Department disagrees that this precedent governs the instant proceeding. Each of these cases is distinguishable from the present circumstances. Among other things, the agreements in the cited cases predate the URAA (effective January 1, 1995), and thus were not subject to the same statutory provisions that apply to the tomatoes suspension agreement, *e.g.*, section 782(h) of the Act, which clarified that “no interest” revocations and terminations were permissible and clearly distinguishes between termination of an ongoing investigation and a suspended investigation. Further, in the cited cases, termination occurred with the agreement of or absence of objection from the signatories to the agreement in each of these cases. No such agreement or lack of objection from the Mexican signatories exists in this case. Further, notwithstanding the fact that the agreement in EPROMs from Japan predates the URAA, the termination in that case appears to fulfill the requirements of a changed circumstances review, even though the termination process was not labeled as such. In addition, the Department specifically stated in that case that a changed circumstances review pursuant to section 751(b) of the Act is “normally the mechanism for the termination of a suspended investigation.” See EPROMs from Japan, 68 FR at 28671.

In light of the distinct statutory and regulatory provisions governing termination of an ongoing investigation and termination of a suspended investigation, and consistent with our statement in EPROMs from Japan, the Department has determined that a changed circumstances review is the expected mechanism by which the Department will examine a request to terminate a suspended investigation. Therefore, in accordance with section 751(b)(1) of the Act, we are initiating a changed circumstances review.

Both the Act and the Department’s current regulations require that “substantially all” domestic producers express a lack of interest in the order or suspension agreement in order for the Department to revoke an order or terminate a suspended investigation. See 782(h) of the Act and 19 CFR 351.222(g). The Department has

interpreted “substantially all” to represent producers accounting for at least 85 percent of U.S. production of the domestic like product. *Certain Orange Juice from Brazil: Preliminary Results of Antidumping Duty Changed Circumstances Review and Intent Not to Revoke, In Part*, 73 FR 60241, 60242 (October 10, 2008), unchanged in *Certain Orange Juice From Brazil: Final Results of Antidumping Duty Changed Circumstances Review*, 74 FR 4733 (January 27, 2009). Interested parties are, therefore, requested to address the issue of industry support in their comments.

Public Comment

Interested parties are invited to comment on the initiation of this changed circumstances review and the issue of industry support. Parties who submit comments or information in this proceeding are requested to include with their submission (1) a statement of the issue; and (2) a brief summary of the comments or information. All written comments may be submitted by interested parties not later than 14 days after the date of publication of this notice, in accordance with 19 CFR 351.303 of the Department’s regulations, and shall be served on all interested parties on the Department’s service list. As noted above, in the time since the petitioners requested to withdraw the petition and terminate the suspended investigation, there have been numerous comments on this request filed on the record of the 2008 Suspension Agreement. If interested parties would like those comments to be considered for purposes of this changed circumstances review, they are requested to file the comments on the record of this proceeding.

As soon as practicable following the receipt of any submissions from interested parties during the comment period, 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), 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.

This notice is published in accordance with sections 751(b)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3).

Dated: August 14, 2012.

Paul Piquado,

Assistant Secretary for Import Administration.

[FR Doc. 2012–20552 Filed 8–20–12; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–820]

Correction: Fresh Tomatoes From Mexico: Notice of Initiation of Changed Circumstances Review and Consideration of Termination of Suspended Investigation

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

DATES: *Effective Date:* August 21, 2012.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On August 14, 2012, the Department of Commerce (the Department) issued *Tomatoes from Mexico: Notice of Initiation of Changed Circumstances Review* for publication in the **Federal Register**. In accordance with 19 CFR 351.222(g)(3)(i), the title of the notice of initiation of the changed circumstances review and consideration of termination of the suspended investigation should have included the phrase “Consideration of Termination of Suspended Investigation.” Thus, the title of the notice should have read “Fresh Tomatoes from Mexico: Notice of Initiation of Changed Circumstances Review and Consideration of Termination of Suspended Investigation.” The Department is correcting the title of the notice of initiation with this notice of correction. All other aspects of the notice issued on August 14, 2012, remain unchanged.

This notice is published in accordance with sections 751(b)(1) of the Act and 19 CFR 351.216, 351.221(c)(3), and 351.222(g)(3)(i).

Dated: August 15, 2012.

Ronald K. Lorentzen,

Acting Assistant Secretary for Import Administration.

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Antidumping Duty Investigation, 62 FR 28670 (May 27, 1997) (EPROMs from Japan).

⁵ *Portable Electric Typewriters from Singapore, Termination of Suspended Antidumping Duty Investigation*, 59 FR 22592 (May 2, 1994) (Typewriters from Singapore).