This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This amendment of final results of review and notice are in accordance with section 751(e) of the Tariff Act (19 U.S.C. 1675(e)) and 19 CFR 353.28(c).

Dated: April 11, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–10113 Filed 4–24–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–201–820]

Initiation of Antidumping Duty Investigation: Fresh Tomatoes From Mexico

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

EFFECTIVE DATE: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: John Brinkmann at (202) 482–5288 or Michelle Frederick at (202) 482–0186, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

Initiation of Investigation

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA).

The Petition

Pursuant to 19 CFR 353.12(c), an antidumping duty petition must be filed at the Department of Commerce (the Department) and the U.S. International Trade Commission (ITC) on the same day. In this instance, the ITC does not consider the petition covering fresh tomatoes from Mexico to have been filed until April 1, 1996. As such, the Department considers the petition as having been filed in proper form on April 1, 1996, not March 29, 1996.

The petitioners filed supplements to the petition, including an amended list of petitioners, on April 11 and 17, 1996. The petitioners in this investigation are: the Florida Tomato Growers Exchange; the Florida Tomato Exchange; the Tomato Committee of the Florida Fruit and Vegetable Association; the South Carolina Tomato Association; the Gadsden County Tomato Growers Association; and an Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, and Virginia Tomato Growers, as detailed in Exhibit 5 of the April 11, 1996, supplement.

In accordance with section 732(b) of the Act, the petitioners allege that imports of fresh tomatoes from Mexico are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

The petitioners state that they have standing to file the petition because they are interested parties as defined under section 771(9)(C) of the Act.

Determination of Industry Support for the Petition

Section 732(c)(4)(A) of the Act requires that the Department determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets these minimum requirements if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

One producer has informed the Department that it takes no position regarding this antidumping petition and a second producer has stated that it opposes the petition. On April 16, 1996, we received a letter on behalf of the Confederacion de Asociaciones Agricolas de Estado de Sinaloa (CAADES), an association of producers of fresh tomatoes in Mexico. The CAADES objections focus on the level of individual supporters of the petition and did not address the support of the Florida and South Carolina trade associations.

Our review of the production data provided in the petition and other information readily available to the Department indicates that the petitioners and supporters of the petition account for more than 50 percent of the total production of the domestic like product, thus meeting the standard of 732(c)(4)(A) and requiring no further action by the Department pursuant to 732(c)(4)(D). Accordingly, the Department determines that the petition is supported by the domestic industry.

Several supporters of the petition did not agree to release their identities to the public. The production data of these supporters was not necessary to establish that the petitioners account for more than 50 percent of the total production of the domestic like product. For this reason, we are not determining whether to consider non-public supporters of a petition in establishing industry support.

Scope of the Investigation

The products covered by this investigation are all fresh or chilled tomatoes (fresh tomatoes) except for those tomatoes which are for processing. For purposes of this investigation, processing is defined to include preserving by any commercial process, such as canning, dehydrating, drying or the addition of chemical substances, or converting the tomato product into juices, sauces or purees. Further, imports of fresh tomatoes for processing are accompanied by an ''Importer's Exempt Commodity Form'' (FV–6) (within the meaning of 7 CFR section 980.501(a)(2) and 980.212(i)). Fresh tomatoes that are imported for cutting up, not further processed (*e.g.*, tomatoes used in the preparation of fresh salsa or salad bars), and not accompanied by an FV–6 form are covered by the scope of this investigation.

All commercially-grown tomatoes sold in the United States, both for the fresh market and for processing, are classified as *Lycopersicon esculentum*. Important commercial varieties of fresh tomatoes include common round, cherry, plum, and pear tomatoes.

Tomatoes imported from Mexico covered by this investigation are classified under the following subheadings of the Harmonized Tariff Schedules of the United States (HTS), according to the season of importation: 0702.00.20, 0702.00.40, 0702.00.60, and 9906.07.01 through 9906.07.09. Although the HTS numbers are provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive.

Export Price and Normal Value

The petitioners based export prices on prices published by the U.S. Department of Agriculture (USDA) Marketing Service. These prices represented packed, F.O.B. shipping point prices,

duties, and border crossing charges paid for mature green, vine ripe, and plum tomatoes of various sizes imported from Mexico through Nogales, Arizona. The petitioners made deductions to export price for movement expenses and commissions. They provided additional export price calculations incorporating adjustments for ''backbilling'' (post-sale price protection adjustments), quality mix differentials, and price ''overstatements'' based on differences between USDA data and Bureau of Census import statistics.

The petitioners based normal value on wholesale prices for vine ripe and plum tomatoes from several wholesale markets in Mexico, as published by the USDA marketing service. The petitioners made adjustments to home market prices for wholesaler markups, commissions, and movement expenses.

To calculate monthly normal values for comparisons to monthly export prices, the petitioners based normal value on both home market prices and constructed value (CV) because, in accordance with Section 773(b)(2) of the Act, the petitioners alleged that some sales of fresh tomatoes in the home market were made at prices below the cost of production (COP), and therefore are not an appropriate basis for calculating normal value.

The petitioners calculated COP using data derived from cost studies of vine-ripe tomato production in Mexico prepared by the USDA, which relied on cost studies reported by an association of Mexican tomato producers. Where appropriate, the petitioners adjusted the cost data for inflation, changes in interest rates, and currency conversion. We adjusted the petitioners' COP by correcting the deduction for selling expenses.

The allegation that the Mexican producers are selling the foreign like product in the home market at prices below its COP is based upon a comparison of the adjusted home market prices with the calculated COP. Based on this comparison, we find reasonable grounds to believe or suspect that sales of the foreign like product were made at prices below COP in accordance with section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating a country-wide cost investigation.

Therefore, for the purposes of this initiation, we are accepting CV as the appropriate basis for Mexican normal value for those petition margin examples where the petitioners claimed that there are no above-cost sales in the home market. The petitioners based CV on its COP methodology, described above, deducting commission and export transportation expenses included in these costs, and adding an amount for profit to derive a total CV. The petitioners calculated profit based on above-cost Mexican market prices. We revised CV by incorporating the correction to selling expenses deducted from COP. We also recalculated the profit amount used in CV based on a revised database of above cost sales in the home market.

Based on comparisons of export prices, with deductions for backbilling adjustments and ''price overstatements,'' to normal value (with CV revised as discussed above), the petitioners allege margins of 12.86 percent to 273.42 percent.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of fresh tomatoes from Mexico are being, or are likely to be, sold at less than fair value. If it becomes necessary at a later date to consider the petition as a source of facts available under section 776 of the Act, we may further review the margin calculations in the petition.

Initiation of Investigation

We have examined the petition on fresh tomatoes and have found that it meets the requirements of section 732 of the Act, including the requirements concerning allegations of material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports, allegedly sold at less than fair value. Therefore, we are initiating an antidumping duty investigation to determine whether imports of fresh tomatoes from Mexico are being, or are likely to be, sold at less than fair value. Unless extended, we will make our preliminary determination by September 5, 1996.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the Government of Mexico. Because of the large number of exporters, we will attempt to provide a copy of the public version of the petition to the relevant trade associations representing exporters of fresh tomatoes named in the petition.

International Trade Commission (ITC) Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine by May 16, 1996, whether there is a reasonable indication that imports of fresh tomatoes from Mexico are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

Dated: April 18, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–10112 Filed 4–24–96; 8:45 am]

BILLING CODE 3510–DS–P

Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part

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

ACTION: Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part.

SUMMARY: The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department also received requests to revoke one antidumping duty order in part.

EFFECTIVE DATE: April 25, 1996.

FOR FURTHER INFORMATION CONTACT: Holly A. Kuga, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 C.F.R. 353.22(a) and 355.22(a)(1994), for administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. The Department also received timely requests to revoke in part the antidumping duty order on steel wire rope from Korea.