

below the COP, we disregarded all sales of that product, and calculated NV based on CV.

D. Calculation of CV

In accordance with section 773(e) of the Act, we calculated CV based on the sum of respondents' cost of materials, fabrication, SG&A, U.S. packing costs, interest expenses and profit as reported in the U.S. sales database. In accordance with sections 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. For selling expenses, we used the weighted-average home market selling expenses. Based on our verification of Dillinger's cost response, we adjusted Dillinger's reported CV to reflect adjustments to cost of manufacturing, general and administrative expenses, and indirect selling expenses. Where we compared CV to EP, we added U.S. commissions to CV, and then we deducted from CV the lesser of either (1) the amount of commission paid on a U.S. sale for a particular product, or (2) the amount of indirect selling expenses incurred on the home market sales for a particular product.

Currency Conversion

For purposes of the preliminary results, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a "fluctuation." In accordance with the Department's practice, we have determined as a general matter that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate. However, for the preliminary results in this review we have not determined that a fluctuation exists, and we have not substituted the benchmark for the daily rate.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that no margin exists for AG der Dillinger Hüttenwerke during the period 8/1/94-7/31/95.

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any

interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first business day thereafter. Case briefs and/or other written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of this administrative review, including its analysis of issues raised in any written comments or at a hearing, not later than 180 days after the date of publication of this notice.

The following deposit requirements will be effective upon publication of the final results of this antidumping duty review for all shipments of certain cut-to-length carbon steel plate from Germany, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a) of the Tariff Act: (1) The cash deposit rate for the reviewed company will be that established in the final results of review; (2) for exporters not covered in this review, but covered in the LTFV investigation or a previous review, the cash deposit rate will continue to be the company-specific rate from the LTFV investigation; (3) if the exporter is not a firm covered in this review, a previous review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for all other manufacturers or exporters will continue to be 36.00 percent, the "All Others" rate made effective by the LTFV investigation. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this 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 administrative review and notice are published in accordance with section 751(a)(1) of the Act and 19 CFR 353.22.

Dated: September 25, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-25539 Filed 10-3-96; 8:45 am]

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[A-403-801]

Fresh and Chilled Atlantic Salmon From Norway; Preliminary Results of Antidumping Duty New Shipper Administrative Review

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

ACTION: Notice of preliminary results of antidumping duty new shipper administrative review.

SUMMARY: In response to a request from one manufacturer/exporter, Nordic Group A/L (Nordic), the Department of Commerce (the Department) is conducting a new shipper administrative review of the antidumping duty order on fresh and chilled Atlantic salmon (salmon) from Norway. The review covers the period May 1, 1995 through October 31, 1995.

We have preliminarily determined that sales have not been made below the normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to liquidate subject entries without regard to antidumping duties.

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Todd Peterson, or Thomas F. Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482-4195.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the

interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On October 30, 1995, the Department received a request from Nordic for a new shipper review pursuant to section 751(a)(2)(B) of the Act and section 353.22(h) of the Department's interim regulations.

Section 751(a)(2) of the Act and section 353.22(h) of the Department's regulations govern determinations of antidumping duties for new shippers. These provisions state that, if the Department receives a request for review from an exporter or producer of the subject merchandise stating that it did not export the merchandise to the United States during the period of investigation (POI) and that such exporter or producer is not affiliated with any exporter or producer who exported the subject merchandise during that period, the Department shall conduct a new shipper review to establish an individual weighted-average dumping margin for such exporter or producer, if the Department has not previously established such a margin for the exporter or producer. To establish these facts, the exporter or producer must include with its request, with appropriate certification: (i) The date on which the merchandise was first entered, or withdrawn from warehouse, for consumption, or, if it cannot certify as to the date of first entry, the date on which it first shipped the merchandise for export to the United States; (ii) a list of the firms with which it is affiliated; and (iii) a statement from such exporter or producer, and from each affiliated firm, that it did not, under its current or a former name, export the merchandise during the POI.

Nordic's request was accompanied by information and certifications establishing the date on which it first shipped and entered subject merchandise, the names of Nordic's affiliated parties, and statements from Nordic and its affiliated parties that they did not, under any name, export the subject merchandise during the POI. Based on the above information, on December 13, 1995, the Department initiated this new shipper review of Nordic (60 FR 64018). The Department is now conducting this review in accordance with section 751 of the Act and section 353.22 of its regulations.

Petitioners have raised an issue pertaining to the *bona fide* nature of the U.S. sale under review. The Department has issued a supplemental questionnaire to Nordic's affiliated U.S. party, and is awaiting a response. The Department

will incorporate any changes, as a result of this supplemental questionnaire, in the final results of review.

Scope of the Review

The product covered by this order is the species Atlantic salmon (*Salmo salar*) marketed as specified herein; the subject merchandise excludes all other species of salmon: Danube salmon; Chinook (also called "king" or "quinnat"); Coho (silver); Sockeye ("redfish" or "blueback"); Humpback ("pink"); and Chum ("dog"). Atlantic salmon is whole or nearly-whole fish, typically (but not necessarily) marketed gutted, bled, and cleaned, with the head on. The subject merchandise is typically packed in fresh-water ice ("chilled"). Excluded from the subject merchandise are fillets, steaks, and other cuts of Atlantic salmon. Also excluded are frozen, canned, smoked or otherwise processed Atlantic salmon. Atlantic salmon is currently provided for under the Harmonized Tariff Schedule (HTS) subheading: 0302.12.00.02.09.

Verification

As provided in section 776(b) of the Act, we verified information provided by the respondent by using standard verification procedures, including on-site inspection of the respondent's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

Export Price

We calculated the export price (EP) based on the price from Nordic to unaffiliated parties where these sales were made prior to importation into the United States, in accordance with section 772(a) of the Act. We calculated EP based on packed CIF prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight, brokerage and handling, Norwegian export taxes, U.S. duties and air freight, in accordance with section 772(c)(2) of the Act. No other adjustments were claimed or allowed.

Normal Value

Because there were no other sales of the subject merchandise in the home or third country markets, we based normal value (NV) on constructed value, in accordance with section 773(e) of the Act.

Given that the statute is concerned specifically with the cost of production of the merchandise, we used the production costs incurred by the fish

farmer, the actual producer of the subject merchandise, to calculate the cost of production (COP) benchmark. Nordic does not produce the salmon that it sells. Department practice in such situations is to sum the production costs of the producer (the fish farmer), the producer's selling, general and administrative expenses (SG&A), plus the SG&A of the seller, Nordic.

We calculated the COP for the farm by summing the costs for the 1993 generation salmon. These costs include smolt, feed, labor, and overhead. We allocated the costs on a per kilogram basis over net production quantities. We then adjusted these costs to reflect losses in the processing stage. The farmer's general and administrative expenses and net interest expenses incurred for the sale of salmon in 1995 were allocated to the salmon sold during the period of review. To the farmer's individual COP we added the cost of processing and packing to obtain a subtotal which was multiplied by a profit ratio, based on Nordic's profit on sales in 1995 of the same general category of products in accordance with section 773 (e)(2)(B)(i). To obtain the total constructed value, we added Nordic's SG&A expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following margin exists for the period May 1, 1995, through October 31, 1995:

Manufacturer/producer/exporter	Percent margin
Nordic Group A/L (Nordic Group ASA)	0.00

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 34 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 20 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed no later than 27 days after the date of publication of this notice. The Department will issue the final results of this new shipper administrative review, including the results of its

analysis of issues raised in any such written comments or at a hearing.

Upon completion of this new shipper review, the Department will issue appraisal instructions directly to the U.S. Customs Service. The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

The cash deposit rate for Nordic will be the rate determined in the final results of this new shipper review, effective upon publication of those final results for all of Nordic's shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper administrative review, as provided by section 751(a)(2) of the Act.

This notice serves as a preliminary reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this 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 new shipper administrative review and notice are in accordance with section 751(a)(2) of the Tariff Act (19 U.S.C. 1675(a)(2)) and 19 CFR 353.22.

Dated: September 27, 1996.

Barbara Stafford,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96-25532 Filed 10-3-96; 8:45 am]

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[A-614-801]

Fresh Kiwifruit From New Zealand; Final Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On October 23, 1995, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on fresh kiwifruit from New Zealand. The review covers one exporter, the New Zealand Kiwifruit Marketing Board (NZKMB), and the period from June 1, 1993,

through May 31, 1994. Based on our analysis of the comments received, we have revised the dumping margin for NZKMB.

EFFECTIVE DATE: October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Paul M. Stolz or Thomas F. Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-4474 or 482-3814, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1995, the Department published the preliminary results (60 FR 54333) of its administrative review of the antidumping duty order on fresh kiwifruit from New Zealand (57 FR 23203 (June 2, 1992)). The Department has now completed this administration review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of the Review

The product covered by the order under review is fresh kiwifruit. Processed kiwifruit, including fruit jams, jellies, pastes, purees, mineral waters, or juices made from or containing kiwifruit, are not covered under the scope of the order. The subject merchandise is currently classified under subheading 0810.90.20.60 of the Harmonized Tariff Schedule (HTS). Although the HTS number is provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received timely comments from respondents, the NZKMB, and petitioner, the California Kiwifruit Commission.

Comment 1

The petitioner alleged a number of ministerial errors pertaining to the application of the computer program used by the Department in its analysis. The first error alleged pertained to adjustments to U.S. prices and expenses, specifically: (a) certain currency conversions were made in error, (b) certain movement expenses were not included in calculations, and

(c) other direct and indirect expenses were not included in calculations. The second error alleged pertained to the cost of production (COP) test: (a) certain elements of NZKMB's costs were not included in COP, (b) certain currency conversions were made in error, (c) certain direct and indirect expenses were not included in calculations and adjustments, and (d) certain adjustments were treated as expenses. The third error alleged pertained to foreign market value (FMV) selection, specifically: certain products were not properly matched in the concordance schedule.

Respondent alleged ministerial errors pertaining to two general areas. The first pertained to calculation of third country net prices: (a) two direct selling expense variables were not deducted from the third country net price, (b) the packing figure was incorrect, and (c) credit expenses were not properly deducted from net price. The second pertained to certain elements of the COP test: certain elements of COP were not properly included in the COP figure.

DOC Position

We agree with both petitioner and respondent. The Department has made corrections to the computer program in order to properly calculate COP and FMV. (See memo to the file dated August 27, 1996 for a detailed description of all adjustments made.)

Comment 2

Respondent asserts that although grower 21 refused to respond to the Department's COP questionnaire, "punitive" best information available (BIA) should not be applied for the per unit COP of grower 21. Respondent argues that it has cooperated in good faith and that it is not related to the growers from whom it purchases kiwifruit. Further, respondent asserts that it is without means to compel growers' cooperation.

Petitioner argues that not only is the application of "punitive" BIA appropriate, but that in recognition of the fact that the grower-respondent flatly refused to cooperate, a more adverse BIA should be used. Petitioner suggests that the highest cost components be drawn from all sampled growers and totaled to produce the BIA per unit cost for grower 21.

DOC Position

We disagree with respondent, but have modified the method of determining the BIA rate employed in