Parties to the proceeding may request disclosure within 5 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 publication of this notice or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will issue a notice of final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

The Department will determine, and the Customs Service will assess, antidumping duties on all appropriate entries. Upon completion of this review, the Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of fresh garlic from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(c) of the Act: For all PRC exporters and for all non-PRC exporters of subject merchandise from the PRC, the cash deposit rate will be the PRC-wide rate established in the final results of this review.

These deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also 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 in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 18, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–32877 Filed 12–26–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–614–801]

Fresh Kiwifruit From New Zealand; Results of Antidumping Administrative Review

AGENCY: Import Administration, International Trade Administration, Commerce.

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

SUMMARY: On September 3, 1996, the Department of Commerce (the Department) published the final 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, 1994, through May 31, 1995. Based on the correction of ministerial errors, we are amending the final results.

EFFECTIVE DATE: December 27, 1996.

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

SUPPLEMENTARY INFORMATION

Background

On September 3, 1996, the Department published the final results (61 FR 46438) of its administrative review of the antidumping duty order on fresh kiwifruit from New Zealand (57 FR 23203 (June 2, 1992)). The review covered one exporter, the New Zealand Kiwifruit Marketing Board (NZKMB). The Department has now amended the final results of this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute are references to the provisions on 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).

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 classifiable 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

After publication of our final results, we received timely allegations of ministerial errors from the respondent, NZKMB, and the petitioner, the California Kiwifruit Commission.

Comments

The petitioner alleged that the Department's calculation of cost of production (used for comparison with net home market sales prices) did not include an amount for pallet expense.

The respondent alleged three ministerial errors pertaining to the Department's preliminary calculations: (1) packing costs were double-counted in calculating constructed value; (2) home market transportation insurance was incorrectly treated as an indirect selling expense rather than as a movement cost; and (3) U.S. indirect selling expenses incurred in New Zealand were erroneously deducted from constructed export price.

DOC Position

With respect to the ministerial error allegations noted above, the Department agrees that it made these errors and has corrected these errors for the final results. (See memorandum to the file dated October 30, 1996, for a detailed description of all adjustments made.)

Amended Final Results of Review

As a result of our correction of the ministerial errors, we have determined the following margin exists for the period June 1, 1994, through May 31, 1995:

Manufacturer exporter	Margin (percent)
New Zealand Kiwifruit Marketing Board	3.5

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. price and NV may vary from the percentage stated above. The Department will issue appraisement instructions concerning the respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise

entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rate for the reviewed firm will be 3.57 percent; and (2) the cash deposit rate for merchandise exported by all other manufacturers and exporters will be the ''all others'' rate of 98.60 percent established in the less-than-fair-value investigation; in accordance with the Department practice. See Floral Trade Council v. United States, 822 F.Supp. 766 (1993), and Federal Mogul Corporation, 822 F.Supp. 782 (1993).

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the final 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 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 the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: December 10, 1996.

Jeffrey P. Bialos,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–32879 Filed 12–26–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–847]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Persulfates From the People's Republic of China

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

EFFECTIVE DATE: December 27, 1996.

FOR FURTHER INFORMATION CONTACT: Irene Darzenta, Barbara Wojcik-Betancourt, or Howard Smith, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–6320, (202) 482–0629, or (202) 482–5193, respectively.

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 Rounds 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).

Preliminary Determination

We determine preliminarily that persulfates from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Act. The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation (61 FR 40817, August 6, 1996), the following events have occurred:

On August 1, 1996, the Department sent a survey to the PRC's Ministry of Foreign Trade and Economic Cooperation (MOFTEC) requesting the identification of producers and exporters, information on production and sales of persulfates exported to the United States, and identification of the appropriate Chinese Chamber of Commerce. We did not receive a response to this request from MOFTEC.

On August 26, 1996, the United States International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case (see ITC Investigation No. 731–TA–749). The ITC found that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from the PRC of persulfates.

The Department issued an antidumping questionnaire [1] to MOFTEC on August 27, 1996, with instructions to forward the document to all PRC producers/exporters of persulfates and to inform these companies that they must respond by the due dates. We also sent courtesy copies of the antidumping duty questionnaire to the Chinese Chamber of Commerce of Metals, Minerals and Chemicals Importers and Exporters Association and to 18 companies whose names and complete addresses had been identified in the petition. Moreover, on September 5, 1996, we served the questionnaire, via MOFTEC, on two additional companies not listed in the petition (i.e., Guangdong Petroleum Chemical Import & Export Trade Corporation (''Guangdong Petroleum'') and Shanghai Ai Jian Import & Export Corporation (''AJ'')) which we learned were potential manufacturers and/or exporters of the subject merchandise. In addition, on the same date, we sent copies of the questionnaire directly to both of these companies.

On September 17, 1996, the Department requested that interested parties provide published information (PI) for valuing the factors of production and for surrogate country selection. We received comments from interested parties in October 1996.

In September and October 1996, four PRC companies and one U.S. company submitted responses to section A and/or sections C and D of the questionnaire. The identities of these companies are: (1) Sinochem Jiangsu Wuxi Import & Export Co. (''Wuxi''), a Chinese exporter of subject merchandise; (2) Shanghai Ai Jian Import & Export Co., (''AJ''), a Chinese exporter of subject merchandise; (3) Ai Jian Reagent Works (''AJ Works''), Wuxi's and AJ's supplier factory; (4) ICC Chemical Corporation (''ICC''), a U.S. importer and reseller of subject merchandise which is a privately-owned U.S. company; and (5) Guangzhou City Zhujian Electrochemical Factory (''Zhujian''), ICC's Chinese supplier factory.

Also in October 1996, we issued supplemental questionnaires to the companies noted above. We received responses to these questionnaires during October and November 1996.

In its questionnaire responses, Zhujian identified Guangdong Petroleum as its official exporter in China. Yet, ICC, the U.S. importer of Zhujian produced persulfates,

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[1] The questionnaire is divided into four sections. Section A requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C request home market sales listings and U.S. sales listings, respectively (section B does not normally apply in antidumping proceedings involving the PRC). Section D requests information on the factors of production of the subject merchandise.