Inversiones Miraflores S.A.
Inversiones Oro Verde S.A.
Otono (Agroindustrial Otono)
Papagayo Group
Agricola Papagayo Ltda.
Inversiones Calypso S.A.
Petalos de Colombia Ltda.
Pinar Guameru
Piracania
Pisochago Ltda.
Plantaciones Delta Ltda.
Plantas S.A.
Prismaflor
Propagar Plantas S.A.
Reme Salamanca
Rosa Bella
Rosaflor
Rosales de Colombia Ltda.
Rosales de Suba Ltda.
Rosas Sabanilla Group
Flores la Colmena Ltda.
Rosas Sabanilla Ltda.
Inversiones la Serena
Agricola la Capilla
Rosas y Jardines
Rose
Rosex Ltda.
Roselandia
San Ernesto
San Valentine
Sansa Flowers
Santa Rosa Group
Flores Santa Rosa Ltda.
Floricola La Ramada Ltda.
Santana Flowers Group
Santana Flowers Ltda.
Hacienda Curibital Ltda.
Inversiones Istra Ltda.
Sarena
Select Pro
Senda Brava Ltda.
Shasta Flowers y Compania Ltda.
Shila
Siempreviva
Soagro Group
Agricola el Mortino Ltda.
Flores Aguaclara Ltda.
Flores del Monte Ltda.
Flores la Estancia
Jaramillo y Daza
Solor Flores Ltda.
Starlight
Superflora Ltda.
Susca
Sweet Farms
Flores Santa Rosa Ltda.
Floricola la Ramada Ltda.
Tag Ltda.
The Beall Company
The Rose
Tomino
Toto Flowers Group
Flores de Suesca S.A.
Toto Flowers
Tropical Garden
Uniflor Ltda.
Velez de Monchaux Group
Velez De Monchaux e Hijos y Cia S. en C.
Agroteusa
Victoria Flowers
Villa Cultivos Ltda.
Villa Diana
Vuelven Ltda.
Zipa Flowers

Parties to the proceeding may request disclosure within five days of publication of this notice. Interested parties may request a hearing not later than ten days after publication of this notice. Interested parties may also submit written arguments in case briefs on these preliminary results within 45 days of the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than five days after the time limit for filing case briefs. Any hearing, if requested, will be held two days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(e).

The Department will publish the final results of this administrative review, including a discussion of its analysis of issues raised in any case or rebuttal brief or at a hearing. The Department will issue final results of this review within 120 days of publication of these preliminary results.

Upon completion of the final results in this review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated an importer-specific per-stem duty assessment rate based on the ratio of the total amount of antidumping duties calculated for the examined sales made during the POR to the quantity of subject merchandise entered during the POR. We have used the number of stems entered during the POR, rather than entered values, because respondents reported average monthly prices and, moreover, the entered values were not associated with particular importers. This rate will be assessed uniformly on all entries of that particular importer made during the POR. The Department will issue appraisement instructions on each exporter directly to the 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 the final results of this administrative review, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies will be those rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original Less-Than-Fair-Value (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; and (4) for all other producers and/or exporters of this merchandise, the cash deposit rate shall be 3.10 percent, the adjusted ''all others'' rate from the LTFV investigation. These deposit requirements, 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(c)(5).

Dated: January 26, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–2482 Filed 1–30–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–337–804, A–533–813, A–560–802, and A–570–851]

Initiation of Antidumping Investigations: Certain Preserved Mushrooms From Chile, India, Indonesia, and the People's Republic of China

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

EFFECTIVE DATE: February 2, 1998.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger, Office 5, AD/CVD Enforcement Group II, Import Administration-Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W.,

Washington, DC 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Initiation of Investigations

The Applicable State 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 regulations published in the **Federal Register** on May 19, 1997 (62 FR 27296).

The Petition

On January 6, 1998, the Department of Commerce (''the Department'') received a petition filed in proper form by the Coalition for Fair Preserved Mushroom Trade which is comprised of the following companies: L.K. Bowman, Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Mount Laurel Canning Corp., Mushroom Canning Company, Sunny Dell Foods, Inc., and United Canning Corp. (''the petitioners''). The Department received supplemental information to the petitions on January 15 and 20, 1998.

In accordance with section 732(b) of the Act, petitioners allege that imports of certain preserved mushrooms (''mushrooms'') from Chile, India, Indonesia, and the People's Republic of China (''PRC'') 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 an industry in the United States.

The Department finds that petitioners filed the petition on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) and (D) of the Act and they have demonstrated sufficient industry support (*see* discussion below).

Scope of Investigations

For purposes of these investigations, the products covered are certain preserved mushrooms whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under these investigations are the species *Agaricus bisporus* and *Agaricus bitorquis.* ''Preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water, brine, butter or butter sauce. Preserved mushrooms may be imported whole. sliced, diced, or as stems and pieces. Included within the scope of the investigation are ''brined'' mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

The merchandise subject to these investigations is classifiable under subheadings 2003.10.27, 2003.10.31, 2003.10.37, 2003.10.43, 2003.10.47.2003.10.53, and 0711.90.4000 of the Harmonized Tariff Schedule of the United States (''HTS''). Although the HTS subheadings are provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

Excluded from the scope of this petition are the following: (1) All other species of mushroom including straw mushrooms; (2) all fresh and chilled mushrooms, including ''refrigerated'' or ''quick blanched mushrooms''; (3) dried mushrooms; (4) frozen mushrooms; and (5) ''marinated,'' ''acidified'' or ''pickled'' mushrooms, which are prepared or preserved by means of vinegar or acetic acid, but may contain oil or other additives.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement 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.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the statute directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether the domestic industry has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory provision regarding the domestic like product (section 771(10) of the Act), they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.[1] Section 771(10) of the Act defines domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' *i.e.*, the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

The domestic like product referred to in the petition is the single domestic like product defined in the ''Scope of Investigation'' section, above. The Department has no basis on the record to find the petition's definition of the domestic like product to be inaccurate. The Department has, therefore, adopted the domestic like product definition set forth in the petition. In this case, the petitioners established industry support above the statutory requirement, as detailed in a memorandum to the file dated January 23, 1998. Accordingly, the Department determines that the petition is filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department received the following comments regarding industry support. With respect to the petition on imports of mushrooms from Chile, Nature's Farm Products (Chile) S.A. (''NFP Chile''), a foreign exporter of the subject merchandise, filed a submission on January 22, 1998, which argued that the petitioners do not constitute a U.S. industry. NFP Chile stated that the petitioners are not producers because ''[f]ew of them even grow mushrooms which are the underlying product that is the subject of the investigation.'' According to NFP Chile, petitioners represent canners or packagers that cannot be considered an industry. Instead, NFP Chile requests that the Department poll members of the American Mushroom Institute to assess industry support.

We disagree with NFP Chile that petitioners, that is, domestic producers

[1] See *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefor from Japan; Final Determination; Rescission of Investigation and Partial Dismissal of Petition,* 56 FR 32376, 32380–81 (July 16, 1991).

of preserved mushrooms, do not constitute an industry. As defined in the scope of the petition, ''preserved mushrooms'' refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting, which are then packed and heated in various containers in a suitable liquid. Petition at 12. Therefore, the proper focus of our industry support analysis lies with the producers of preserved mushrooms, not the growers of mushrooms. We note that in an earlier antidumping investigation, *Canned Mushrooms form the People's Republic of China,* the petition was filed by a canner of mushrooms, the Four ''H'' Company. 48 Fed. Reg. 45,445, (10/5/83). In that investigation, the ITC concluded that the domestic industry was comprised of ''the U.S. facilities engaged in canning mushrooms.'' *Canned Mushrooms from the People's Republic of China,* Inv. No. 731–TA–115 (Prelim.), USITC Pub. 1324 at 3–4 (1982). As described in our industry support memorandum, the Department confirmed with the ITC the known universe of producers of preserved mushrooms. There is no basis for polling an industry group (growers) which does not produce the merchandise identified in the petition.

With respect to the petition on imports of preserved mushrooms from India, on January 22, 1998, we received an expression of opposition from Giorgio Foods Inc. (''Giorgio''), which is both a domestic producer of the subject merchandise, as well as an importer of subject merchandise from India. Because Giorgio is an importer of the subject merchandise from India the Department has the authority to disregard Giorgio's position, in accordance with section 732(c)(B)(ii) of the Act. However, our analysis shows that the supporters of the petition account for over 50 percent of production of the domestic producers who have expressed an opinion even if Giorgio's position is not disregard. *See* Memorandum to The File dated January 23, 1998, on Industry Support.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which our decisions to initiate these investigations are based. Should the need arise to use any of this information in our preliminary or final determinations for purposes of facts available under section 776 of the Act, we may re-examine the information and revise the margin calculations, if appropriate.

Chile

The petitioners identified NFP Chile as the sole exporter and producer of mushrooms from Chile. The petitioners based export price (''EP'') on U.S. sales prices obtained by one of the petitioning companies for the first sales to unaffiliated purchases, specifically, sales made by Nature's Farm-USA to a customer in 1997. The petitioners calculated a net U.S. price by subtracting import charges based upon the official U.S. import statistics and import duties based on the 1997 import duty rate.

Pursuant to sections 773(a)(4) and 773(e) of the Act, the petitioners based normal value (''NV'') for sales in Chile on constructed value (''CV''). The petitioners claimed that there are insufficient sales of the foreign like product in the home market to form an adequate basis for comparison with EPs to the United States.

Pursuant to section 773(e) of the Act, CV consists of the cost of materials, fabrication, other processing (*i.e.,* cost of manufacturing (''COM'')), selling, general, and administrative expenses (''SG&A''), and packing. To calculate COM and SG&A, the petitioners relied on market research and NFP Chile's corporate financial statements. The petitioners also based packing information on market research.

Consistent with section 773(e)(2) of the Act, the petitioners also added to CV an amount for profit. Because the petitioners claim that NFP Chile has failed to realize a profit since 1990, the petitioners relied upon the 1996 profit margin for Iansafrut S.A., a leading Chilean fruit and vegetable producer, as a reasonable surrogate to estimate a profit margin for NFP Chile's sales.

The estimated dumping margin in the petition, based on a comparison between NFP Chile's U.S. price and the CV, is 83.30 percent.

India

The petitioners identified the following as exporters and producers of mushrooms from India: Agro Dutch Foods, Ltd. (''Agro Dutch''); Alpine Biotech Ltd. (''Alpine''); Mandeep Mushrooms Ltd. (''Mandeep''); Pond's India Ltd. (''Pond's''); Saptarishi Agro Industries Ltd. (''Saptarishi''); Transchem Ltd. (''Transchem''); Premier Mushroom Farms (''Premier''); and Flex Foods Ltd. (''Flex Foods''). For export price (''EP''), the petitioners used price quotes, as obtained from their market research, and average unit prices derived from U.S. Customs IM 146 statistical import data.

The petitioners adjusted these prices by subtracting amounts for foreign inland freight and estimated international movement expenses, U.S. merchandise processing fee, and U.S. harbor maintenance fee, as appropriate. The movement expenses were based on information obtained from the petitioners' market research and the difference between the CIF import value and the Customs Import value reported in the official 1997 U.S. import statistics for January through September 1997.

With respect to NV, the petitioners provided calculations using both home market prices and CV. In addition, the petitioners provided information demonstrating reasonable grounds to believe or suspect that sales of mushrooms in the home market were made at prices below the cost of production (''COP''), within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales below cost investigation. Therefore, pursuant to sections 773(a)(4) and 773(e) of the Act, the petitioners also based NV for sales in India on CV.

As noted above, CV consists of COM, SG&A, and profit. The petitioners calculated the direct portion of COM and packing based on Indian costs obtained through their market research. To calculate the indirect portion of COM, SG&A and CV profit, the petitioners relied on financial statements of Indian producers of the subject merchandise, as included in the petition.

Based on comparisons of EP to NV, the petitioners estimate margins of 31.76 to 274.05 percent.

Indonesia

The petitioners identified five exporters and producers of mushrooms: Dieng Djaya, PT (''Dieng Djaya''); Indo Evergreen Agro Business Co., PT (''Indo Evergreen''); Surya Jaya Abadi Perkasa, PT (''Surya Jaya''); Tuwuh Agung, PT (''Tuwuh Agung''); and Zeta Agro Corporation (''Zeta''). The petitioners based EPs on U.S. price quotes obtained from their market research, and average unit prices derived from U.S. Customs IM 146 statistical import data. Where appropriate, the petitioners subtracted foreign inland freight from the EP. As the petitioners could not obtain freight expense data from Indonesia, they applied a freight expense based on Indian data.

The petitioners based NV on home market prices quotes, as obtained by their market research, and CV.

As noted above, CV consists of COM, SG&A, packing and profit. The petitioners based their calculations for COM, SG&A and packing on Indonesian costs obtained through their market

research. Profit, net interest, and depreciation are based on public information from a major Indonesian food processing company. The petitioners made no adjustments to the home market price quote.

Comparison of NV and net EPs for sales of mushrooms from Indonesia results in estimated dumping margins that range from 35.40 percent to 42.30 percent.

People's Republic to China

The petitioners identified 36 potential PRC exporters and producers of mushrooms. The petitioners based EP on average Customs import values and U.S. prices quotes obtained from industry contacts. From these starting prices, the petitioners deducted international freight and insurance fees, based on the difference between the CIF import value and the Customs import value. The petitioners then subtracted U.S. entry fees, U.S. merchandise processing fees and U.S. harbor maintenance fees.

Because the PRC is considered a nonmarket economy (NME) country under section 771(18) of the Act, the petitioners based NV on the factors of production valued in a surrogate country, in accordance with section 773(c)(3) of the Act. For the factors of production, the petitioners used Indian consumption data for materials, labor, and energy, based on data in the market research report for the companion Indian petition and included in the public version of that petition. Materials were valued based on Indian prices obtained from the petitioner's market research. Labor was valued using the regression-based wage rate for the PRC provided by the Department, in accordance with 19 CFR 351.408(c)(3). Electricity was valued using the rate published in the annual report of an Indian producer of the subject merchandise. For factory overhead, SG&A and profit, the petitioners applied rates derived from the public annual reports of several Indian preserved mushroom producers. Packing factors were based on the Indian market research report, and packing materials valued based on the Indian market research. Packing labor was valued in the same manner as direct labor.

Based on comparisons of EP to NV, the petitioners estimate dumping margins from 85.38 percent to 198.63 percent.

Initiation of Cost Investigation

Pursuant to section 773(b) of the Act, the petitioners alleged that sales in the home market of India were made at prices below the COP and, accordingly, requested that the Department conduct a country-wide sales below COP investigation in India. The Statement of Administrative Action (''SAA''), submitted to the Congress in connection with the interpretation and application of the Uruguay Round Agreements, states that an allegation of sales below COP need not be specific to individual exporters or producers. SAA, H.R. Doc. No. 316, 103d Cong., 2d Sess., at 833 (1994). The SAA, at 833, states that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country, just as Commerce currently considers allegations of sales at less than fair value on a country-wide basis for purposes of initiating an antidumping investigation.''

Further, the SAA provides that ''new section 773(b)(2)(A) retains the current requirement that Commerce have 'reasonable grounds to believe or suspect' that below cost sales have occurred before initiating such an investigation. 'Reasonable grounds' exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.'' *Id.* Based upon the comparison of the adjusted prices from the petition of the foreign like product in India to the COP calculated in the petition, we find ''reasonable grounds to believe or suspect'' that sales of these foreign like products were made below their respective COP within the meaning of section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating the requested country-wide cost investigation for India.

Fair Value Comparisons

Based on the data provided by the petitioners, there is reason to believe that imports of mushrooms from Chile, India, Indonesia, and the PRC are being, or are likely to be, sold at less than fair value.

Allegations and Evidence of Material Injury and Causation

The petition alleges that the U.S. industry producing the domestic like product is being materially injured, and is threatened with material injury, by reason of the individual and cumulated imports of the subject merchandise sold at less than NV. The allegations of injury and causation are supported by relevant evidence including business proprietary data from the petitioning firms, U.S. Customs import data and a pricing report from an industry trade journal. The Department assessed the allegations and supporting evidence regarding material injury and causation and determined that these allegations are sufficiently supported by accurate and adequate evidence and meet the statutory requirements for initiation.

Initiation of Antidumping Investigations

We have examined the petition on mushrooms and have found that it meets the requirements of section 732 of the Act. Therefore, we are initiating antidumping duty investigations to determine whether imports of mushrooms from Chile, India, Indonesia, and the PRC are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determinations for the antidumping duty investigations by June 15, 1998.

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of each petition has been provided to the representatives of the governments of Chile, India, Indonesia, and the PRC. We will attempt to provide a copy of the public version of each petition to each exporter named in the petition (as appropriate).

International Trade Commission Notification

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

Preliminary Determinations by the ITC

The ITC will determine by February 20, 1998, whether there is a reasonable indication that imports of mushrooms from Chile, India, Indonesia, and the PRC are causing material injury, or threatening to cause material injury, to a U.S. industry. Negative ITC determinations will result in the particular investigations being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

Dated: January 26, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–2478 Filed1–30–98; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part