

approximately one month after publication of the preliminary results; (2) due to methodological difficulties encountered during verification, verification reports are not expected to be released until approximately mid-to-late September; and (3) on July 6, 1999, the Department extended the deadline for submission of case briefs until after the verification reports have been released. In order to properly analyze and respond to petitioner's and respondents' case briefs we have extended the deadline for the final results of this review until December 6, 1999, in accordance with the time limits allowed under section 751(a)(3)(A) of the Act.

Dated: September 13, 1999.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for AD/CVD Enforcement, Group III.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-614-801]

#### **Fresh Kiwifruit From New Zealand: Final Results of Changed Circumstances Review; Revocation of Order**

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

**ACTION:** Notice of final results of changed circumstances review and revocation of antidumping duty order.

**SUMMARY:** On August 20, 1999, the Department of Commerce published a notice of initiation of a changed circumstances review and preliminary results of review with intent to revoke the antidumping duty order on fresh kiwifruit from New Zealand. We are now revoking this order, retroactive to June 1, 1997, based on the fact that domestic parties no longer have an interest in maintaining the antidumping duty order.

**EFFECTIVE DATES:** September 17, 1999.

**FOR FURTHER INFORMATION CONTACT:** Sunkyu Kim or John P. Maloney, Jr., Office 2, AD/CVD Enforcement Group I, Import Administration-Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230; telephone (202) 482-2613 or (202) 482-1503, respectively.

**SUPPLEMENTARY INFORMATION:**

#### **The Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (April 1998).

#### **Background**

On July 30, 1999, the petitioner, the California Kiwifruit Commission, requested that the Department conduct a changed circumstances review to revoke the antidumping duty order on fresh kiwifruit from New Zealand retroactive to June 1, 1997. The petitioner stated that circumstances have changed such that the petitioner no longer has an interest in maintaining the antidumping duty order. On August 5, 1999, the petitioner supplemented its request to indicate that it represents all kiwifruit growers in California and virtually all commercial growers of kiwifruit in the United States.

We preliminarily determined that the affirmative statement of no interest by the California Kiwifruit Commission constituted changed circumstances sufficient to warrant revocation of this order. Consequently, on August 20, 1999, we published a notice of initiation of a changed circumstances review and preliminary results of review with intent to revoke the order. See 64 FR 45508. We received no comments from interested parties on the preliminary results of this changed circumstances review.

#### **Scope of Review**

The product covered by this 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 this review. This merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 0810.90.20.60. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

This changed circumstances review covers all producers and exporters of fresh kiwifruit from New Zealand.

#### **Final Results of Changed Circumstances Review; Revocation of Order**

Pursuant to section 751(d)(1) of the Act, the Department may revoke, in whole or in part, an antidumping duty order based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

The Department's regulations at 19 CFR 351.216(d) require the Department to conduct a changed circumstances review in accordance with 19 CFR 351.221 if it decides that changed circumstances sufficient to warrant a review exist. Section 782(h) of the Act and 19 CFR 351.222(g)(1)(i) provide further that the Department may revoke an order, in whole or in part, if it concludes that the order under review is no longer of interest to producers accounting for substantially all of the production of the domestic like product.

The California Kiwifruit Commission is a domestic interested party as defined by section 771(9)(E) of the Act and 19 CFR 351.102(b) and represents substantially all of the production of the domestic like product. Based on the affirmative statement by the California Kiwifruit Commission of no interest in the continued application of the order and the fact that no interested parties objected to or otherwise commented on our preliminary results of this review, we determine that there are changed circumstances sufficient to warrant revocation of the order. Therefore, the Department is revoking the antidumping duty order on fresh kiwifruit from New Zealand, retroactive to June 1, 1997.

In accordance with 19 CFR 351.222(g)(4), we will instruct the Customs Service to end the suspension of liquidation and to refund any estimated antidumping duties collected for all unliquidated entries of fresh kiwifruit from New Zealand made on or after June 1, 1997. We will also instruct the Customs Service to pay interest on such refunds in accordance with section 778 of the Act.

This changed circumstances review, revocation of the antidumping duty order and notice are in accordance with sections 751(b), 751(d) and 782(h) of the Act and 19 CFR 351.216 and 351.222.

Dated: September 13, 1999.

**Richard W. Moreland,**

*Acting Assistant Secretary for Import Administration.*

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