

meeting, that Mares Australes be formally merged with Marine Harvest, and that the merged entity do business under the name of Marine Harvest. A detailed explanation of these developments can be found in the memorandum from the team to Gary Taverman, dated August 21, 2000 (Mares Australes sales verification report), from the record of the first administrative review of the antidumping duty order on fresh Atlantic salmon from Chile and placed on the record of this changed circumstances review.

On July 25, 2000, the petitioners filed a letter with the Department expressing concern over the merger of Marine Harvest and Mares Australes, and requesting the immediate suspension of liquidation of subject merchandise exported under the name of Marine Harvest.

On August 22, 2000, based on the comments submitted by the petitioners, as well as information obtained by the Department, the Department simultaneously initiated a changed circumstances review and issued preliminary results of review. See *Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Review: Fresh Atlantic Salmon from Chile*, 65 FR 52065 (August 28, 2000). The Department directed that liquidation of entries of subject merchandise under the name of Marine Harvest be suspended effective retroactively to July 1, 2000, the date of the merger of Mares Australes and Marine Harvest.

The Department received a case brief from Marine Harvest on January 4, 2001, and a rebuttal brief from the petitioners on January 11, 2001. A public hearing was held on March 15, 2001.

#### Scope of the Review

The product covered by this review is fresh, farmed Atlantic salmon, whether imported "dressed" or cut. Atlantic salmon is the species *Salmo salar*, in the genus *Salmo* of the family *salmoninae*. "Dressed" Atlantic salmon refers to salmon that has been bled, gutted, and cleaned. Dressed Atlantic salmon may be imported with the head on or off; with the tail on or off; and with the gills in or out. All cuts of fresh Atlantic salmon are included in the scope of the review. Examples of cuts include, but are not limited to: crosswise cuts (steaks), lengthwise cuts (fillets), lengthwise cuts attached by skin (butterfly cuts), combinations of crosswise and lengthwise cuts (combination packages), and Atlantic salmon that is minced, shredded, or ground. Cuts may be subjected to

various degrees of trimming, and imported with the skin on or off and with the "pin bones" in or out.

Excluded from the scope are (1) fresh Atlantic salmon that is "not farmed" (i.e., wild Atlantic salmon); (2) live Atlantic salmon; and (3) Atlantic salmon that has been subject to further processing, such as frozen, canned, dried, and smoked Atlantic salmon, or processed into forms such as sausages, hot dogs, and burgers.

The merchandise subject to this investigation is classifiable as item numbers 0302.12.0003 and 0304.10.4093, 0304.90.1009, 0304.90.1089, and 0304.90.9091 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS statistical reporting numbers are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs submitted by the parties to this changed circumstances review are listed in the appendix to this notice, and addressed in the August 7, 2001 Decision Memorandum, which is hereby adopted by this notice. A list of the issues addressed in the Decision Memorandum is appended to this notice. The Decision Memorandum is a public document and is on file in Room B-099 of the main Commerce building. In addition, a complete version of the memorandum can be accessed directly on the Web at [ia.ita.doc.gov](http://ia.ita.doc.gov). The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Final Results of the Changed Circumstances Review

Based on our analysis of the comments received, we determine that the post-merger Marine Harvest is not the successor-in-interest to either the pre-merger Marine Harvest or the pre-merger Mares Australes, but rather is a new entity subject to the antidumping order. Further, we are assigning to Marine Harvest a cash deposit rate of 0.00 percent, the rate calculated for the combined sales of Marine Harvest and Mares Australes during the second administrative review. We will instruct the U.S. Customs Service accordingly.

We are issuing these final results and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act and § 351.216 of the Department's regulations.

Dated: August 6, 2001.

**Faryar Shirzard,**

*Assistant Secretary for Import Administration.*

#### Appendix

1. Whether Marine Harvest is a new entity subject to the antidumping order.
2. Whether Maine Harvest's procedural rights were violated.

[FR Doc. 01-20271 Filed 8-10-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-813]

#### Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review

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

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

**SUMMARY:** On March 8, 2001, the Department of Commerce published the preliminary results of the first administrative review of the antidumping duty order on certain preserved mushrooms from India (66 FR 13896). The review covers five manufacturers/exporters. The period of review is August 5, 1998, through January 31, 2000.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final results differ from the preliminary results. The final weighted-average dumping margins for the reviewed firms are listed below in the section entitled "Final Results of Review."

**EFFECTIVE DATE:** August 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** David J. Goldberger, Katherine Johnson, or Dinah McDougall, Office 2, AD/CVD Enforcement Group I, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4136, (202) 482-4929, or (202) 482-3773, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute

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 19 CFR part 351 (2000).

### Background

The review covers five manufacturers/exporters: Agro Dutch Foods Ltd. ("Agro Dutch"), Himalya International Ltd. ("Himalya"), Hindustan Lever Ltd. (formerly Ponds India Ltd.) ("Hindustan"), Techtran Agro Industries Limited ("Techtran"), and Weikfield Agro Products Ltd. ("Weikfield"). The period of review is August 5, 1998, through January 31, 2000.

On March 8, 2001, the Department of Commerce published the preliminary results of the first administrative review of the antidumping duty order on certain preserved mushrooms from India (66 FR 13896). We invited parties to comment on the preliminary results of review. On April 9, 2001, we received requests for a public hearing from respondents Agro Dutch, Hindustan, Himalya, and Weikfield. We received case briefs from the petitioners<sup>1</sup> and the respondents, as well as from the importer, Giorgio Foods, Inc., on May 14, 2001. We received rebuttal briefs from the petitioners, the respondents, and Giorgio Foods, Inc. on May 21, 2001. We held a public hearing at the Department on June 13, 2001. We have conducted this administrative review in accordance with section 751 of the Act.

### Scope of the Order

The products covered by the order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under the order 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,

<sup>1</sup> The petitioners are the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Nottingham, PA; Modern Mushroom farms, Inc., Toughkenamon, PA; Monterey Mushrooms, Inc., Watsonville, CA; Mount Laurel Canning Corp., Temple, PA; Mushrooms Canning Company, Kennett Square, PA; Southwood Farms, Hockessin, DE; Sunny Dell Foods, Inc., Oxford, PA; United Canning Corp., North Lima, OH.

sliced, diced, or as stems and pieces. Included within the scope of the order are "brined" mushrooms, which are presalted and packed in a heavy salt solution to provisionally preserve them for further processing.

Excluded from the scope of the order 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.

The merchandise subject to the order is classifiable under subheadings 2003.10.0027, 2003.10.0031, 2003.10.0037, 2003.10.0043, 2003.10.0047, 2003.10.0053, and 0711.90.4000 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this antidumping duty administrative review are addressed in the "Issues and Decision Memorandum" ("Decision Memo") from Richard W. Moreland, Deputy Assistant Secretary for Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated August 6, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the Decision Memo, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the Decision Memo can be accessed directly on the Web at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Decision Memo are identical in content.

### Changes from the Preliminary Results

Based on our analysis of comments received, we have made certain changes to the margin calculations. For a discussion of these changes, see the "Margin Calculations" section of the Decision Memo.

### Final Results of Review

We determine that the following weighted-average margin percentages exist:

Manufacturer/exporter	Margin (percent)
Agro Dutch Foods Ltd .....	2.26
Himalya International Ltd .....	6.63
Hindustan Lever Ltd .....	4.29
Techtran Agro Industries Limited .....	66.24
Weikfield Agro Products Ltd .....	26.44

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated importer-specific assessment rates. We will direct the Customs Service to assess the resulting rates against the entered customs values for the subject merchandise on each importer's entries under the relevant order during the review period. In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries of subject merchandise for which the importer-specific assessment rate is zero or de minimis (*i.e.*, less than 0.50 percent).

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of the administrative review for all shipments of certain preserved mushrooms from India entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for Agro Dutch, Himalya, Hindustan, Techtran, and Weikfield will be the rates shown above; (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) the cash deposit rate for all other manufacturers or exporters will continue to be 11.30 percent. This rate is the "All Others" rate from the LTFV investigation.

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

This notice also serves as a final reminder to importers of their

responsibility under 19 CFR 351.402(f) 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 doubled antidumping duties.

This notice serves as the only 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 351.305(a)(3). 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. We are issuing and publishing this determination and notice in accordance with sections section 751(a)(1) and 777(i) of the Act.

Dated: August 6, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

*General Comment:*

Comment 1: General and Administrative and Interest Expenses Used in Constructed Value

*Company-Specific Comments:*

Agro Dutch

Comment 2: Date of Sale for Certain U.S. Sales

Comment 3: Facts Available for Movement Expenses on Certain Sales

Comment 4: Adjustments to Cost of Manufacturing for Period of Review

Comment 5: Equivalent Units Work-In-Process Adjustment

Weikfield

Comment 6: New Factual Information

Comment 7: Capitalization of Pre-Production Expenses

Comment 8: Claim for Start-up Adjustment

Comment 9: Treatment of Work-In-Process

Comment 10: Capitalized Interest Expense

Comment 11: Affiliated Party Interest

Himalya International

Comment 12: Omission of Certain U.S. Sales from Margin Calculation

Comment 13: Facts Available for U.S. Brokerage and Handling Expenses

Comment 14: Treatment of Certain Movement Expenses

Comment 15: Calculation of Indirect Selling Expenses for Constructed Value

Comment 16: Offsetting Positive Margins with Negative Margins in Antidumping Duty Margin Calculation

Comment 17: General and Administrative Expense Ratio

Comment 18: Financial Expense Ratio

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**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**[A-428-825]**

**Stainless Steel Sheet and Strip in Coils From Germany; Notice of Preliminary Results of Antidumping Duty Administrative Review**

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

**ACTION:** Notice of Preliminary Results of Antidumping Duty Administrative Review.

**EFFECTIVE DATE:** August 13, 2001.

**SUMMARY:** In response to a request from Allegheny Ludlum, AK Steel Corporation, Butler Armco Independent Union, J&L Specialty Steel, Inc., North American Stainless, United Steelworkers of America, AFL-CIO/CLC, and Zanesville Armco Independent Organization (collectively, petitioners) and respondent Krupp Thyssen Nirosta GmbH (KTN) and Krupp Hoesch Steel Products, Inc. (Krupp) (collectively, KTN), the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on stainless steel sheet and strip in coils (S4) from Germany. The review covers one manufacturer/exporter of the subject merchandise to the United States during the period January 4, 1999 through June 30, 2000.

We preliminarily determine that there are sales at less than normal value by KTN during the period January 4, 1999 through June 30, 2000. If these preliminary results are adopted in our final results of review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the United States Price (USP) and normal value (NV).

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

arguments (no longer than five pages, including footnotes).

**FOR FURTHER INFORMATION CONTACT:**

Patricia Tran, Michael Heaney, or Robert James at (202) 482-1121, (202) 482-4475, or (202) 482-0649, respectively, Antidumping and Countervailing Duty Enforcement Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

**SUPPLEMENTARY INFORMATION:**

*Background*

The Department published an antidumping duty order on S4 from Germany on July 27, 1999. *See Notice of Amended Final Determination of Sales at Less than Fair Value and Antidumping Duty Order; Stainless Steel Sheet and Strip in Coils from Germany (Antidumping Duty Order)*, 64 FR 40557 (July 27, 1999). On July 20, 2000, the Department published the *Notice of Opportunity to Request Administrative Review of stainless steel sheet and strip in coils from Germany for the period January 4, 1999 through June 30, 2000* (65 FR 45035).

On July 28, 2000, petitioners requested an administrative review of KTN's sales for the period January 4, 1999 through June 30, 2000. On July 31, 2000, KTN also requested a review of its sales for the same time period. On September 6, 2000, we published in the **Federal Register** a notice of initiation of this antidumping duty administrative review covering the period January 4, 1999 through June 30, 2000. *See Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 65 FR 53980 (September 6, 2000).

Because it was not practicable to complete this review within the normal time frame, on February 28, 2001, we published in the **Federal Register** our notice of the extension of time limits for this review. *See Stainless Steel Sheet and Strips in Coils from Germany; Antidumping Duty Administrative*