

Petitioner further argues that the Department's description does not identify all classifications that may be expected to have been used from September 1, 1999 through March 31, 2000, which is the period of review (POR). Petitioner notes that the POR precedes the promulgation date of the new HTS item numbers, 1605.40.1010 and 1605.40.1090, which occurred in mid-2000. Petitioner further states that subject merchandise may have entered under HTS item number 1605.40.1000 during the POR, because it was prior to the introduction of these two new HTS item numbers.

Petitioner requests that the HTS item numbers listed in the Department's scope description identify all of the HTS item numbers under which subject merchandise is "reasonably believed to have been entered during the POI, and all of the HTS item numbers under which subject merchandise can reasonably be expected to enter in the future, regardless whether such classifications were or are proper." Petitioner argues that the Department's description should not create a false impression that Chapters 3 and 16 currently provide equally correct classifications of subject merchandise. Petitioner states that the Department's description should be neutral with respect to this question.

*Department's Position:* We agree in part with petitioner. We have corrected the description of the scope of these amended final results to omit the reference to HTS item number 1605.40.10.90. As published in the **Federal Register** notices, the HTS subheadings are provided for convenience and Customs purposes only. The written description of the scope of this order is dispositive.

*Amended Final Results of Administrative Review*

In making the above corrections for these amended final results, we found transcription errors in China Kingdom's calculations. We are correcting these errors for these amended final results. *See Analysis for the Amended Final Results of the Antidumping Duty New Shipper Review of Freshwater Crawfish Tail Meat from the People's Republic of China: China Kingdom Import & Export Co., Ltd. and American Coast Processing Enterprises Corp. (China Kingdom), dated August 20, 2001.*

As a result of our review and the correction of the ministerial transcription errors described above, we have determined that the following margins exist:

Manufacturer/exporter	Margin (percent)
China Kingdom .....	77.30
Nantong Shengfa .....	21.85
Weishan Fukang .....	20.16

The Department shall determine, and the U.S. Customs Service (Customs) shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we will instruct Customs to assess an importer-specific percentage margin against the entered Customs values for the subject merchandise on each of that importer's entries during the review period.

Furthermore, the following deposit requirements will be effective upon publication of this notice of amended final results of antidumping new shipper reviews for all shipments of freshwater crawfish tail meat from the PRC entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates shown above except that, for firms whose weighted-average margins are less than 0.5 percent and therefore de minimis, the Department shall require no deposit of estimated antidumping duties; (2) for previously-reviewed PRC and non-PRC exporters with separate rates, the cash deposit rate will be the company-specific rate established for the most recent period; (3) for all other PRC exporters, the cash deposit rate will be the PRC-wide rate, 201.63 percent; and (4) for all other non-PRC exporters of the subject merchandise, the cash deposit rate will be the rate applicable to the PRC supplier of that exporter. 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)(2) 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 in the subsequent assessment of doubled antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in

accordance with section 351.305 of the Department's regulations. Timely written notification of the return or destruction of APO materials is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

These new shipper reviews and notice are in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: September 24, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 01-24410 Filed 9-26-01; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

[A-122-837]

**Antidumping Duty Investigation On Greenhouse Tomatoes From Canada: Notice of Postponement of Preliminary Determination**

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

**ACTION:** Notice of postponement of preliminary antidumping duty determination in antidumping duty investigation.

**EFFECTIVE DATE:** September 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mark Ross or Mino Hatten, AD/CVD Enforcement 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone; (202) 482-4794 or (202) 482-1690, respectively.

**SUMMARY:** The Department of Commerce is postponing the preliminary determination of the antidumping duty investigation on greenhouse tomatoes from Canada from September 24, 2001, until October 1, 2001. This postponement is made pursuant to section 733(c)(1)(B) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

**SUPPLEMENTARY INFORMATION:**

**The 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. In addition, unless otherwise indicated, all citations to Department of Commerce's (the Department's)

regulations are to 19 CFR Part 351 (2000).

### Background

On April 17, 2001, the Department initiated an antidumping duty investigation on greenhouse tomatoes from Canada covering producers and exporters of the subject merchandise to the United States during the period January 1, 2000, through December 31, 2000. See *Initiation of Antidumping Duty Investigation: Greenhouse Tomatoes From Canada*, 66 FR 20630 (April 24, 2001). The notice stated that, unless postponed, the Department would issue its preliminary determination no later than 140 days after the date of the initiation. On August 21, 2001, the Department published a partial extension of the time limit for the preliminary results of this investigation based on a timely request by the petitioner. See *Antidumping Duty Investigation Covering Greenhouse Tomatoes from Canada: Notice of Postponement of Preliminary Determination*, 66 FR 43838 (August 21, 2001).

### Postponement of Preliminary Determination

Currently, the preliminary determination is due no later than September 24, 2001. However, pursuant to section 733(c)(1)(B) of the Act, we have determined that this investigation is "extraordinarily complicated" and are therefore postponing the preliminary determination by seven days to October 1, 2001.

Under section 733(c)(1)(B) of the Act, the Department can extend the period for reaching a preliminary determination until not later than the 190th day after the date on which the administering authority initiates an investigation if:

(B) The administering authority concludes that the parties concerned are cooperating and determines that—

(i) the case is extraordinarily complicated by reason of—

(I) the number and complexity of the transactions to be investigated or adjustments to be considered,

(II) the novelty of the issues presented; or

(III) the number of firms whose activities must be investigated; and

(ii) additional time is necessary to make the preliminary determination.

The parties concerned are cooperating in this investigation. Additional time is necessary, however, to complete the preliminary determination due to the number of firms whose activities must be investigated. Specifically, there are over 100 Canadian producers/exporters

that shipped fresh or chilled tomatoes to the United States during the period of investigation, and most of these producers/exporters ship greenhouse tomatoes. Since it was not practicable to examine all known producers/exporters of subject merchandise, in accordance with section 777A(c)(2) of the Act and 19 CFR 351.204(c)(2), we chose to investigate producers and exporters accounting for the largest volume of the subject merchandise that can reasonably be examined. See the "Selection of Respondents" memorandum dated May 15, 2001, from Laurie Parkhill, Director, Office 3, to Richard W. Moreland, Deputy Assistant Secretary, Group I. Although this limited our examination to five producers/exporters of subject merchandise, several of these respondents had over a dozen suppliers that we needed to evaluate for cost reporting. After identifying the appropriate companies for cost reporting and issuing questionnaires to these companies, we discovered that two of them were resellers of greenhouse tomatoes, not growers. Therefore, we had to request cost-of-production data from the growers that supplied these resellers. After selecting five producers/exporters for reporting sales data and eight growers for reporting cost-of-production data, we discovered several affiliations among these companies that resulted in revisions to our requests for information. Investigating the activities of this large number of companies, and considering the complex sales, cost, and affiliation issues associated with them, has significantly delayed our issuance of requests for information. In addition, this has delayed our ability to review and analyze this information for purposes of calculating dumping margins. As such, we determine that additional time is necessary to complete the preliminary determination in this investigation.

Further, certain members of the Department's team in this investigation were unable to return to the United States from abroad as scheduled during the week of September 10, 2001, due to the closure of the U.S. air system. Because these individuals were knowledgeable about the issues and facts in this investigation and had the responsibility to prepare the preliminary calculations, their delayed return to the United States has affected the Department's ability further to prepare an accurate preliminary determination for this investigation by September 24, 2001.

Therefore, pursuant to section 733(c)(1)(B) of the Act, we are postponing the preliminary

determination in this investigation until October 1, 2001. This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f).

Dated: September 20, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 01-24246 Filed 9-26-01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-864]

### Notice of Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China

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

**ACTION:** Notice of final determination of sales at less than fair value.

**EFFECTIVE DATE:** September 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Gehr or Shawn Thompson, AD/CVD Enforcement Group I, Office 2, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1779 or (202) 482-1776, respectively.

**SUMMARY:** On April 30, 2000, the Department of Commerce published its preliminary determination of sales at less than fair value of pure magnesium in granular form from the People's Republic of China. The period of investigation is April 1, 2000, through September 30, 2000.

Based on our analysis of the comments received, we have made changes in the margin calculations. Therefore, the final determination differs from the preliminary determination. The final weighted-average dumping margins for the investigated companies are listed below in the section entitled "Final Determination."

### 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