

protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply is a violation of the APO.

These amended final results of review and this notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.28 (1996).

Dated: March 7, 1997.

Robert S. LaRussa,  
*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-6546 Filed 3-14-97; 8:45 am]

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#### [A-122-401]

#### **Red Raspberries From Canada; Preliminary Results of New Shipper Antidumping Duty Administrative Review**

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

**ACTION:** Notice of preliminary results of  
new shipper review antidumping duty  
administrative review.

**SUMMARY:** In response to a request from one exporter/processor, Berryhill Foods, Inc. (Berryhill), the Department of Commerce (the Department) is conducting a new shipper administrative review of the antidumping duty order on red raspberries from Canada. The review covers sales during the period June 1, 1995 through May 31, 1996. We have preliminarily determined that Berryhill sold subject merchandise at less than normal value (NV) during the period of review. Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:**  
James Doyle, Lisa Yarbrough or Abdelai Elouaradia, AD/CVD Enforcement,  
Group III, Import Administration,  
International Trade Administration,  
U.S. Department of Commerce, 14th  
Street and Constitution Avenue, N.W.,  
Washington, D.C. 20230; telephone:  
(202) 482-3793.

#### **SUPPLEMENTARY INFORMATION:**

##### **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 (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).

##### **Background**

By letter dated June 28, 1996, Berryhill requested a new shipper review pursuant to section 751(a)(2)(B) of the Act and 19 CFR 353.22(h) of the Department's interim regulations, which govern determinations of antidumping duties for new shippers. These provisions state that, among other requirements, a producer or exporter requesting a new shipper review must include with its request the date on which the merchandise was first entered, or withdrawn from warehouse, for consumption, or, if it cannot certify as to the date of first entry, the date on which it first shipped the merchandise for export to the United States (interim regulations, section 353.22(h)(2)(i)).

Berryhill provided a certification identifying the first date of shipment of subject merchandise to the United States. In addition, in accordance with section 751(a)(2)(B)(i), Berryhill certified that it is not affiliated with any other firm nor did it export subject merchandise to the United States during the period of investigation. Based on this information, we determined that the requirements cited above were adequately fulfilled.

On September 11, 1996, the Department published a notice of initiation of a new shipper review of Berryhill (61 FR 47872). The Department is now conducting this review in accordance with section 751 of the Act and section 353.22 of its interim regulations.

##### **Scope of the Agreement**

The products covered by this order are shipments of fresh and frozen red raspberries packed in bulk containers and suitable for further processing. These products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) item numbers 0810.20.90, 0810.20.10, and 0811.20.20. The HTS item numbers are provided for convenience and Customs

purposes. The written description remains dispositive.

##### **Verification**

As provided in section 776(b) of the Act, we conducted verification of information provided by the respondent by using standard verification procedures, including on-site inspection of the respondent's facilities, the examination of relevant sales and financial records, and selection of original documentation containing relevant information. Our verification results are outlined in the public version of the verification report.

##### **Export Price**

We calculated the export price (EP) based on the price from Berryhill to unaffiliated parties where these sales were made prior to importation into the United States, in accordance with section 772(a) of the Act. We calculated EP based on packed, F.O.B. cold storage prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for inland freight, brokerage and handling, U.S. Customs duties, and pre-sale warehouse expense, in accordance with section 772(c)(2) of the Act. No other adjustments were claimed or allowed.

We calculated the constructed export price (CEP) based on the price from Berryhill to unaffiliated purchasers where these sales were made after importation into the United States, in accordance with section 772(b) of the Act. We calculated CEP based on packed, F.O.B. U.S. cold storage prices to unaffiliated purchasers in the United States. We made deductions, where appropriate, for inland freight, brokerage and handling, U.S. Customs duty, pre-sale warehouse expense, U.S. commissions, U.S. credit, U.S. inventory carrying costs, and profit allocable to the selling and distribution incurred in the United States in accordance with sections 772(c)(2), 772(d)(1) and 772(d)(3) of the Act.

##### **Normal Value**

Based on a comparison of the aggregate quantity of home market and U.S. sales, and absent any information that a particular market situation in the exporting country does not permit a proper comparison, we determined pursuant to section 773(a)(1)(C) of the Act that the quantity of foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States. Therefore, in accordance with section 773(a)(1)(B) of the Act, we based NV on sales in Canada, the home market.

We calculated NV based on packed F.O.B. Canadian cold storage prices to unaffiliated customers, and made deductions, where applicable, for home market inland freight, pre-sale warehouse expense, home market packing costs, home market credit, and home market commissions. When EP was used as the United States price, in accordance with section 773(a)(6) of the Act, and sections 353.56 and 57 of the Department's regulations, we made a circumstance of sale adjustment for credit, and commissions. In addition, we added U.S. packing costs and made an adjustment for differences in the physical characteristics of the merchandise. When CEP was used as the United States price, we added U.S. packing costs and made an adjustment for differences in the physical characteristics of the merchandise.

#### Level of Trade

As set forth in section 773(a)(1)(B)(i) of the Act and in the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, H.R. Doc. 316, Vol. 1, 103d Cong., at 829-831 (1994), to the extent practicable, the Department will calculate NV based on sales at the same level of trade (LOT) as the U.S. sales. Berryhill did not request an adjustment for LOT. To ensure that no such adjustment was necessary, we requested and examined information on the selling activities associated with each phase of marketing in each of Berryhill's markets; since there were no differences in such selling activities in either market, and since all sales in both markets were at a single LOT, we compared sales at this sole LOT.

#### Preliminary Results of the Review

As a result of our comparison of EP and CEP to NV, we preliminarily determine that the following weighted-average dumping margin exists:

Exporter/ processor	Period	Margin
Berryhill .....	06/01/95-05/31/96	1.56

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 34 days after the date of publication or the first business day thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 20 days after the date of publication of this notice. Rebuttal briefs and rebuttal

comments, limited to issues raised in the case briefs, may be filed no later than 27 days after the date of publication of this notice. The Department will issue the final results of this new shipper administrative review, including the results of its analysis of issues raised in any such written comments, within 90 days of issuance of these preliminary results.

Upon completion of this new shipper review, the Department will issue appraisal instructions directly to the U.S. Customs Service. The results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, upon completion of this review, the posting of a bond or security in lieu of a cash deposit, pursuant to section 751(a)(2)(B)(iii) of the Act and section 353.22(h)(4) of the Department's interim regulations, will no longer be permitted and, should the final results yield a margin of dumping, a cash deposit will be required for each entry of the merchandise. The following deposit requirements will be effective upon publication of the final results of this new shipper antidumping duty administrative review for all shipments of red raspberries from Canada exported/processed by Berryhill, entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be that established in the final results of this new shipper administrative review; (2) for exporters not covered in these reviews, but covered in previous reviews or the original less-than-fair-value (LTFV) investigation, 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, previous reviews, or the original LTFV investigation, but the manufacturer is, the cash deposit rate will be that 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 2.41 percent, the all others rate established in the LTFV investigation (50 FR 19772, May 10, 1985). These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice 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 new shipper administrative review and this notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(2)(B)) and 19 CFR 353.22(h).

Dated: March 7, 1997.

Robert S. LaRossa,

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 97-6547 Filed 3-14-97; 8:45 am]

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#### A-538-802

#### Shop Towels From Bangladesh; 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 December 10, 1996, the Department of Commerce (the Department) published the preliminary results of its 1995-1996 administrative review of the antidumping duty order on shop towels from Bangladesh (61 FR 65025). The review covers four shop towel producers that exported this merchandise to the United States during the period March 1, 1995, through February 29, 1996. We gave interested parties an opportunity to comment on our preliminary results. We did not receive any comments. Therefore, the final results are the same as the preliminary results.

**EFFECTIVE DATE:** March 17, 1997.

**FOR FURTHER INFORMATION CONTACT:** Matthew Rosenbaum, Kristie Strecker or Kris Campbell, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, D.C. 20230; telephone: (202) 482-4733.

#### 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