LTFV investigation. 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 administrative review and notice are published in accordance with section 751(a)(1) of the Act and 19 CFR 353.22.

Dated: September 2, 1997.

Robert S. LaRussa,

Assistant Secretary, for Import Administration.

[FR Doc. 97–23855 Filed 9–8–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–614–801]

Fresh Kiwifruit From New Zealand; Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Amendment to Final Results of Antidumping Duty Administrative Review.

SUMMARY: On September 3, 1996, the Department of Commerce (the Department) published the final results of its administrative review of the antidumping duty order on fresh kiwifruit from New Zealand. On December 27, 1996, the Department published amended final results of this review. The review covers one exporter, the New Zealand Kiwifruit Marketing Board (NZKMB), and the period from June 1, 1994, through May 31, 1995. Based on the correction of ministerial errors made with respect to the amended final results of December 27, 1996, we are amending the final results a second time.

EFFECTIVE DATE: September 9, 1997.

FOR FURTHER INFORMATION CONTACT: Paul M. Stolz or Thomas F. Futtner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–4474 or 482–3814, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute

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 Departments regulations are to 19 CFR part 353 (1997).

Background

On September 3, 1996, the Department published the final results (61 FR 46438) of its administrative review of the antidumping duty order on fresh kiwifruit from New Zealand (57 FR 23203 (June 2, 1992)). On December 27, 1996 the Department published amended final results of this review. The review covered one exporter, the NZKMB. The Department has now amended the final results of this administrative review a second time in accordance with section 751 of the Act.

Scope of the Review

The product covered by the order under 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 the order. The subject merchandise is currently classifiable under subheading 0810.90.20 of the Harmonized Tariff Schedule (HTS). Although the HTS number is provided for convenience and customs purposes, our written description of the scope of this review is dispositive.

Amended Final Results

After publication of our amended final results, we received timely allegations of ministerial errors from the respondent, NZKMB, and the petitioner, the California Kiwifruit Commission.

Allegation 1: NZKMB alleges that the Department failed to properly initialize the variable for home market pallet expenses, PALEXPH, in the computer program. The petitioner agrees with NZKMB's allegation. The Department agrees with both respondent and petitioner and has adjusted the computer program to properly initialize the variable.

Allegation 2: NZKMB alleges that the Department incorrectly added imputed credit and inventory carrying costs into the computation of constructed value (CV). Since these costs are already included in CV, as elements of selling, general and administrative expenses, respondent asserts that adding them would result in double-counting. We agree and have revised the program accordingly.

Allegation 3: NZKMB argues that imputed credit expenses should be deducted from CV and inventory carrying costs should be deducted up to the CEP offset cap. We agree regarding the deduction of credit and inventory carrying costs and have revised the program accordingly.

Allegation 4: NZKMB alleges that the Department treated the sum of the cost of manufacturing (COM) and G&A as the COM, and then double-counted G&A by adding it again in the calculation of COP. We agree and have corrected the computer program as appropriate.

Allegation 5: NZKMB alleges that the Department converted normal value for price-to-price comparisons into U.S. dollars by erroneously multiplying, instead of dividing, the NV by the exchange rate, We agree and have corrected the computer program as appropriate.

Allegation 6: Petitioner alleges that the Department's program applies the New Zealand rate of exchange twice to the United States packing cost used to create the variable ''FUPDOL''. We agree and have corrected the program as appropriate.

For a description of allegations we did not agree were clerical errors, see the memorandum from Tom Futtner, Program Manager, to Holly Kuga, Senior Office Director, dated July 25, 1997.

Upon correction of the error described above as allegation 1, the Department has determined that all home market sales were below the cost of production, thus requiring the calculation of constructed value. Section 773(e)(2)(B) of the Act states that in the absence of above cost sales, selling expenses and profit shall be based on (i) expenses and profit of the respondent's other products, or (ii) the expenses and profit of other producers subject to the antidumping investigation or review, or (iii) any other reasonable method. The first two alternatives and not available in this case, since NZKMB sells no other products and since there are no other New Zealand exporters subject to this review. Therefore we must rely on ''other reasonable'' methods. In this case, since NZKMB earned no profits on home market sales and we have no other information on the record with respect to profit earned in the home market, as facts available we used the profits

realized at the grower level. In this instance, we used the average profit of the twenty sampled growers as the profit figure in our margin calculations. With respect to selling expenses, we have used the selling expenses associated with the home market sales. *See Final Results of Administrative Review, Ferrosilicon from Brazil,* (61 FR 59407), dated November 22, 1996.

Amended Final Results of Review

As a result of our correction of the ministerial errors, we have determined the following margin exists for the period June 1, 1994, through May 31, 1995:

Manufacturer/exporter	Margin (percent)
New Zealand Kiwifruit Marketing Board	0.00

The Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between U.S. price and NV may vary from the percentage stated above. The Department will issue appraisement instructions concerning the respondent directly to the U.S. 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 these final results of administrative review, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed firm will be 0.00 percent; and (2) the cash deposit rate for merchandise exported by all other manufacturers and exporters will be the ''all others'' rate of 98.60 percent established in the less-than-fair-value investigation; in accordance with the Department practice. *See* Floral Trade Council v. United States, 822 F. Supp. 766 (1993), and Federal Mogul Corporation, 822 F. Supp. 782 (1993).

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

This notice serves as the final 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 notice also serves as a 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 353.34(d). 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 the APO is a sanctionable violation.

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.

Dated: August 27, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 97–23851 Filed 9–8–97; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–806]

Silicon Metal From Brazil: Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Amended Final Results of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is amending its final results of review, published on September 5, 1996, of the antidumping duty order on silicon metal from Brazil, to reflect the correction of ministerial errors in those final results.

EFFECTIVE DATE: September 9, 1997.

FOR FURTHER INFORMATION CONTACT: Fred Baker, Alain Letort, or John Kugelman, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone 202/482–2924 (Baker), 202/482–4243 (Letort), or 202/482–0649 (Kugelman), fax 202/482–1388.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the regulations are references to the provisions as they existed on December 31, 1994.

Background

The Department published the final results of the second administrative review of the antidumping duty order on silicon metal from Brazil on September 5, 1996 (61 FR 46763) (*Second Review Final Results*), covering the period July 1, 1992 through June 30, 1993. The respondents are Companhia Brasileira Carbureto de Cálcio (CBCC), Companhia Ferroligas Minas Gerais—Minasligas (Minasligas), Eletroila, S.A. (currently known as Eletrosilex Belo Horizonte (Eletrosilex)), and Rima Industrial S.A. (RIMA). The petitioners are American Alloys, Inc., Elken Metals, Co., Globe Metallurgical, Inc., SMI Group, and SKW Metals & Alloys.

On September 20, 1996, the petitioners filed clerical error allegations with respect to each of the four respondents in the review. The same day we received clerical error allegations from respondent CBCC. On September 27, 1996, we received rebuttal comments from the petitioners, CBCC, and Minasligas. On September 30, 1996, we received rebuttal comments from Eletrosilex. The Department agreed that certain of the allegations constituted ministerial errors, but the Department was unable to issue a determination correcting these errors before the petitioners filed a complaint with the Court of International Trade (CIT) challenging the final results of review. Therefore, the Department requested leave from the CIT to correct these errors. On July 9, 1997, the CIT granted the Department leave to correct the errors. *See American Silicon Technologies et al.,* v. *United States,* Slip Op. 97–94, July 9, 1997.

Scope of Review

The merchandise covered by this review is silicon metal from Brazil containing at least 96.00 percent but less than 99.99 percent silicon by weight. Also covered by this review is silicon metal from Brazil containing between 89.00 and 96.00 percent silicon by weight but which contains a higher aluminum content than the silicon metal containing at least 96.00 percent but less than 99.99 percent silicon by weight. Silicon metal is currently provided for under subheadings 2804.69.10 and 2804.50 of the Harmonized Tariff Schedule (HTS) as a chemical product, but is commonly referred to as a metal. Semiconductor grade silicon (silicon metal containing by weight not less than 99.99 percent silicon and provided for in subheading 2804.61.00 of the HTS) is not subject to the order. HTS item numbers are provided for convenience and for U.S.