

Dated: December 20, 2005.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E5-7981 Filed 12-27-05; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-337-806]

#### Individually Quick Frozen Red Raspberries from Chile: Notice of Partial Rescission of Antidumping Duty Administrative Review

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

**SUMMARY:** In response to requests from interested parties, the Department of Commerce is conducting an administrative review of the antidumping duty order on individually quick frozen red raspberries from Chile. This review covers sales of individually quick frozen red raspberries to the United States during the period July 1, 2004, through June 30, 2005. Based on the withdrawal of requests for review with respect to certain companies, we are rescinding, in part, the third administrative review.

**EFFECTIVE DATE:** December 28, 2005.

**FOR FURTHER INFORMATION CONTACT:** Yasmin Bordas, AD/CVD Operations, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington DC. 20230; telephone (202) 482-3813.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 1, 2005, the Department of Commerce ("the Department") published in the **Federal Register** the *Notice of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 70 FR 38099 (July 1, 2005), for the above-cited segment of this antidumping duty proceeding. We received a timely filed request for review for 57 companies from the Pacific Northwest Berry Association, Lynden, Washington, and each of its individual members, Curt Maberry Farm; Enfield Farms, Inc.; Maberry Packing; and Rader Farms, Inc. (collectively, "the petitioners"). We also received timely filed requests for review from Fruticola Olmue, S.A. ("Olmue"); Santiago Comercio Exterior Exportaciones, Ltda. ("SANCO"); Valles

Andinos, S.A. ("Valles Andinos"); Vital Berry Marketing, S.A. ("VBM"); and Alimentos Naturales Vitafoods S.A. ("Vitafoods").

On August 29, 2005, the Department published in the **Federal Register** the *Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part*, 70 FR 51009 (August 29, 2005), initiating this review for all 57 companies. On September 23, 2005, we received a submission from the petitioners withdrawing their request for review for all of the companies for which they had requested an administrative review, except for the following companies: Arlavan, S.A. ("Arlavan"), Sociedad Agroindustrial Valle Frio, Ltda. ("Valle Frio"), Olmue, Valles Andinos, VBM, SANCO, and Vitafoods.

#### Partial Rescission of Antidumping Administrative Review

The petitioners filed their withdrawal request within the deadline established by the Department. Therefore, we are rescinding the above-cited administrative review with respect to the following companies in accordance with 19 CFR 351.213(d)(1):

Agricola Nova, Ltda.  
Agrocomercial Las Tinajas, Ltda.  
Agrofruta Chilena, Ltda.  
Agroindustria Framberry, Ltda.  
Agroindustria Niquen, Ltda.  
Agroindustria Sagrada Familia, Ltda.  
Agroindustria y Frigorifico M y M, Ltda.  
Agroindustrial Frisac, Ltda.  
Agroindustrial Frutos del Maipo, Ltda.  
Agroindustrial Merco Trading, Ltda.  
Agroindustrias San Francisco, Ltda.  
Agross, S.A.  
Alimentos Prometeo, Ltda.  
Alimentos y Frutos, S.A.  
Andesur, S.A.  
Angloeuro Comercio Exterior, S.A.  
Armijo Carrasco, Claudio del Carmen Bajo Cero, S.A.  
Certified Pure Ingredients (Chile) Inc. y Cia., Ltda.  
Chile Andes Foods, S.A.  
Comercializadora Agricola Berries & Fruit, Ltda.  
Comercializadora de Alimentos del Sur, Ltda.  
Comercio y Servicios, S.A.  
Copefrut, S.A.  
C y C Group, S.A.  
Exportaciones Meyer, S.A.  
Exportadora Fragaria Ltda.  
Exportadora Pentagro, S.A.  
Exportadora South Berries Ltda.  
Francisco Nancivilu Punsin Frigorifico Ditzler, Ltda.  
Frutas de Guaico, S.A.

Fruticola Viconto, S.A.  
Hassler Monckeberg, S.A.  
Hortifrut, S.A.  
Interagro Comercio y Ganado, S.A.  
Kugar Export, Ltda.  
Maria Teresa Ubilla Alarcon  
Multifrigo Valparaiso, S.A.  
Nevada Export, S.A.  
Prima Agrotrading, Ltda.  
Procesadora y Exportadora de Frutas y Vegetales  
Rio Teno, S.A.  
Sociedad Agricola Valle del Laja, Ltda.  
Sociedad Comercial C y C, S.A.  
Sociedad Exportaciones Antiquina, Ltda.  
Sociedad San Ernesto, Ltda.  
Surfrut  
Terra Natur, S.A.  
Terrazas Export, S.A.

The following companies remain subject to this administrative review: Olmue, SANCO, VBM, Valles Andinos, Vitafoods, Arlavan and Valle Frio. We intend to issue our preliminary results in this administrative review for Olmue, SANCO, VBM, Valles Andinos, Vitafoods, Arlavan, and Valle Frio by April 3, 2006.

#### Assessment

The Department will instruct U.S. Customs and Border Protection ("CBP") to assess antidumping duties on all appropriate entries. For those companies for which this review is rescinded, antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department will issue appropriate assessment instructions directly to CBP within 15 days of publication of this notice.

#### Cash Deposit Rates

For the companies for which this review is rescinded, the cash deposit rate will continue to be 6.33 percent, the "all others" rate established in the less-than-fair-value investigation. See *Notice of Amended Final Determination of Sales at Less Than Fair Value: IQF Red Raspberries from Chile*, 67 FR 40270 (June 12, 2002).

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

#### Notification to Importers

This notice serves as a 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 the subsequent assessment of doubled antidumping duties.

#### Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This notice is issued and published in accordance with section 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: December 21, 2005.

**Stephen J. Claeys,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-851]

#### Certain Preserved Mushrooms from the People's Republic of China: Notice of Second Amended Final Results of Administrative Review

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

**SUMMARY:** On October 17, 2005, the Department of Commerce (the "Department") published the notice of amended final results of the antidumping duty administrative review: certain preserved mushrooms from the People's Republic of China ("PRC"), covering the period of review (POR) February 1, 2003, through January 31, 2004. *See Notice of Amended Final Results of Antidumping Duty Administrative Review: Certain Preserved Mushrooms from the People's Republic of China*, 70 FR 60280 (October 17, 2005) ("Amended Final Results").<sup>1</sup> We are amending the final

results of certain preserved mushrooms from the PRC to correct ministerial errors made in the calculations of the dumping margins for China Processed Food Import & Export Company and its affiliates (collectively, "COFCO") pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act). *See Certain Preserved Mushrooms from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 70 FR 54361 (September 14, 2005) ("Final Results").

**EFFECTIVE DATE:** December 28, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Joshua Pierce or Christopher Riker, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0961 or (202) 482-3441, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Scope of Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The certain preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Certain 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. Certain preserved mushrooms may be imported whole, sliced, diced, or as stems and pieces. Included within the scope of this 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 this 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.<sup>2</sup>

The merchandise subject to this order is classifiable under subheadings:

2003.10.0127, 2003.10.0131, 2003.10.0137, 2003.10.0143, 2003.10.0147, 2003.10.0153 and 0711.51.0000 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

#### Background

On September 14, 2005, the Department published the final results of this administrative review in the **Federal Register**. *See Final Results*.

After analyzing all interested parties' comments, we have determined, in accordance with 19 CFR 351.224(e), that ministerial errors existed in the calculations for the *Final Results*, with respect to COFCO. A ministerial error is defined in Section 751(h) of the Act and further clarified in 19 CFR 351.224(f) as "an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial." For a detailed discussion of these ministerial errors, as well as the Department's analysis, *see* memorandum from Christopher D. Riker to James C. Doyle, *Analysis of COFCO Ministerial Error Allegations*, dated December 21, 2005, on file in the Central Records Unit, room B-099 in the main Department building.

Therefore, in accordance with Section 751(h) of the Act and 19 CFR 351.224(e), we are amending the *Final Results* of the administrative review of certain preserved mushrooms from the PRC for COFCO. The revised weighted-average dumping margin is detailed in the chart below. For the company-specific calculation *see* memorandum from

<sup>1</sup> The Department did not address comments pertaining to clerical error allegations relating to

COFCO's margin in the *Amended Final Results* because the U.S. Court of International Trade had obtained jurisdiction of those results pursuant to COFCO's complaint. *See China Processed Food Import & Export Company v. United States*, Court No. 05-00515 (Complaint filed September 19, 2005); *see also, Zenith Elecs. Corp. v. United States*, 884 F.2d 556, 561 (Fed. Cir. 1989). However, on December 14, 2005, the Court granted leave to the Department to make the necessary corrections to COFCO's margin. *See China Processed Food Import & Export Company v. United States*, Court No. 05-00515 (Order issued December 14, 2005).

<sup>2</sup> On June 19, 2000, the Department affirmed that "marinated," "acidified," or "pickled" mushrooms containing less than 0.5 percent acetic acid are within the scope of the antidumping duty order. *See "Recommendation Memorandum-Final Ruling of Request by Tak Fat, et al. for Exclusion of Certain Marinated, Acidified Mushrooms from the Scope of the Antidumping Duty Order on Certain Preserved Mushrooms from the People's Republic of China,"* dated June 19, 2000. On February 9, 2005, this decision was upheld by the United States Court of Appeals for the Federal Circuit. *See Tak Fat v. United States*, 396 F.3d 1378 (Fed. Cir. 2005).