

of China: Final Results of Third New Shipper Review and Final Results and Partial Rescission of Second Antidumping Duty Administrative Review, 67 FR 46173 (July 12, 2002) and accompanying Issues and Decision Memorandum at Comment 6.)

To value electricity, we used the 2000–2001 “revised estimate” average rate for industrial consumption as published in the *Annual Report (2001–02) on the Working of State Electricity Boards & Electricity Departments* by the Government of India’s Planning Commission (Power & Energy Division).

We valued labor based on a regression-based wage rate, in accordance with 19 CFR 351.408(c)(3).

To value factory overhead, selling, general, and administrative (“SG&A”) expenses, and profit, we used the audited 2001–2002 financial data of Agro Dutch and the audited 2000–2001 financial data of Flex Foods and Himalya International Ltd. (“Himalya”), all Indian producers of the subject merchandise. In addition, we did not use two other Indian sources of data: the 2000–2001 fiscal data obtained for Premier or the 1999–2000 fiscal data obtained for Hindustan Lever Limited, because although each company produces the subject merchandise, the subject merchandise is but one of several products which they produce and is not the major product produced by either company.

Where appropriate, we did not include in the surrogate overhead and SG&A calculations the excise duty amount listed in the financial reports. We made certain adjustments to the ratios calculated as a result of reclassifying certain expenses contained in the financial reports. For a further discussion of the adjustments made, see the Preliminary Results Valuation Memorandum.

All inputs were shipped by truck. Therefore, to value PRC inland freight, we used a November 1999 average truck freight value based on price quotes from Indian trucking companies.

In accordance with the decision of the Court of Appeals for the Federal Circuit in *Sigma Corp. v. United States*, 117 F. 3d 1401 (Fed. Cir. 1997), we revised our methodology for calculating source-to-factory surrogate freight for those material inputs that are valued based on CIF import values in the surrogate country. Therefore, we have added to CIF surrogate values from India a surrogate freight cost using the shorter of the reported distances from either the closest PRC port of importation to the factory, or from the domestic supplier to the factory on an input-specific basis.

To value corrugated cartons, labels, paper, separators, tape, and glue we used April 2001–December 2001 average import values from *Monthly Statistics*.

Preliminary Results of the Review

We preliminarily determine that the following margins exist for the following exporters under review during the period February 1, 2001, through January 31, 2002:

Manufacturer/producer/ exporter	Margin percent
Gerber Food (Yunnan) Co., Ltd	* 46.41
Green Fresh Foods (Zhangzhou) Co., Ltd.	* 46.41
Guangxi Yulin Oriental Food Co., Ltd (“Guangxi Yulin”) ..	0.00
Guangxi Yulin / all others	198.63
Shantou Hongda Industrial General Corporation	118.51
Shenxian Dongxing Foods Co., Ltd	** 68.45
PRC-Wide Rate	198.63

* The margin calculated for Gerber is 1.17 percent and that calculated for Green Fresh is 46.41 percent. However, for cash deposit purposes, as explained above, we have assigned to Gerber and Green Fresh the higher of the rates calculated for each of them during the POR. For assessment purposes, we intend to calculate importer-specific duty assessment rates based on the data provided by these two companies, as adjusted to reflect verification findings.

** For assessment purposes, we intend to instruct the Customs Service to apply Shenxian Dongxing’s margin to the entered value of the subject merchandise from Shenxian Dongxing during the POR, irrespective of importer, because we were not able to rely on its reported quantity amounts in order to calculate importer-specific assessment rates on a per-unit basis, as indicated in the “Assessment Rates” section below. (See “Facts Available” section above for further discussion.)

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the date of publication of this notice. Any interested party may request a hearing within 30 days of publication of this notice. If requested, a hearing will be held 44 days after the date of publication of this notice, or the first work day thereafter.

Interested parties who wish to request a hearing or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain: (1) the party’s name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. See 19 CFR 351.310(c).

Issues raised in the hearing will be limited to those raised in case briefs and

rebuttal briefs. Case briefs from interested parties may be submitted not later than March 31, 2003, pursuant to 19 CFR 351.309(c). Rebuttal briefs, limited to issues raised in the case briefs, will be due not later than April 7, 2003, pursuant to 19 CFR 351.309(d). Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of these administrative and new shipper reviews, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 120 days after the date of publication of this notice.

Assessment Rates

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. For assessment purposes, we do not have the actual entered value for any respondent (with the exception of Gerber) for which we calculated a margin because they are not the importers of record for the subject merchandise. For these respondents for which we do not have entered value information, we intend to calculate individual customer-specific assessment rates by aggregating the dumping margins calculated for all of the U.S. sales examined and dividing that amount by the total quantity of the sales examined.

Although Gerber was the importer of record, it did not provide entered value data for each of its reported U.S. sales. Therefore, because we do not have entered value information for all of its U.S. sales, we will also calculate for this respondent importer-specific duty assessment rates for the subject merchandise by aggregating the dumping margins calculated for the examined sales and dividing this amount by the total entered quantity of the sales examined. To determine whether the duty assessment rates were *de minimis* (i.e., less than 0.50 percent), in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we will calculate importer- or customer-specific *ad valorem* ratios based on export prices.

The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of these reviews. We will instruct the Customs Service to assess antidumping duties on all appropriate