

North American Free Trade Agreement (NAFTA)

Respondents argue that NAFTA's detailed provisions concerning trade with Mexico in CTVs were carefully negotiated and enacted to address the circumvention concerns of the U.S. industry. Consequently, they argue, NAFTA and its implementing legislation is the exclusive scheme by which to protect the domestic CTV industry from circumvention, through Mexico, of the antidumping order on CTVs from Korea. They assert that a circumvention inquiry would unilaterally change these painstakingly crafted provisions.

To the contrary, section 1901:3 of the NAFTA explicitly provides that nothing in other chapters should be construed as creating obligations that affect any party's unfair trade statutes. Moreover, nothing in the NAFTA implementing statute states that the anticircumvention provisions have been superseded by the NAFTA rules of origin on CTVs. A review of the history and purpose of those rules demonstrates that they were not intended to supplant the circumvention provisions of the Act.

In 1990, the U.S. industry requested an inquiry regarding alleged circumvention of the U.S. antidumping orders on CPTs through Mexico. Based on the statutory criteria then in existence, the Department reached a negative determination. Color Picture Tubes from Canada, Japan, Republic of Korea and Singapore; Negative Determinations of Circumvention of Antidumping Duty Orders, 55 FR 52036, (December 19, 1990) (preliminary); 56 FR 9667, (March 7, 1991) (final). Although the NAFTA rules of origin are rules of preference, not anticircumvention provisions, the rules (and the related monitoring provisions) were designed with the circumvention problem in mind. When passing the NAFTA implementing legislation, Congress, mindful of the deficiencies in the anticircumvention provisions of the law at the time, expressed its "expectation that [the monitoring provisions] will give the Administration the tools necessary to ensure that any circumvention that is occurring within NAFTA countries will cease." S. Rep. No. 103-189, 103rd Cong., 1st Sess. 25 (1993). Thus, it was intended that the NAFTA rules of preference and monitoring provisions would succeed where the existing anticircumvention law had proven inadequate.

After the implementation of NAFTA, the anticircumvention provisions of the Tariff Act were amended by the URAA. Those amendments improved the

provisions on assembly in third countries by focusing on the nature of the process in the third country and the portion of total value represented by parts and components from the country subject to the antidumping order. Similarly, the NAFTA rules of preference were tightened to promote significant manufacturing and value added in Mexico. Thus, although the NAFTA rules of preference are distinct from the anticircumvention provisions, they may operate in specific cases such that compliance with the rules of origin for NAFTA preferences may make it impossible as a factual matter to meet the circumvention criteria of section 781 of the Act, as amended. It is, therefore, appropriate to explore as a threshold matter whether imports of CTVs that satisfy the NAFTA rules of origin could constitute circumvention. We will be establishing at the outset of this inquiry a schedule for questionnaires and comments on this issue.

This notice is published in accordance with Section 781(b) of the Act (19 U.S.C. 1677j(b)) and 19 CFR 353.29.

Dated: December 15, 1995.
Susan G. Esserman,
Assistant Secretary for Import Administration.
[FR Doc. 96-625 Filed 1-18-96; 8:45 am]
BILLING CODE 3510-DS-P

[A-588-707]

Granular Polytetrafluoroethylene Resin From Japan; Termination of Antidumping Duty Administrative Review

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

ACTION: Notice of termination of antidumping duty administrative review.

SUMMARY: On October 12, 1995, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on granular polytetrafluoroethylene (PTFE) resin from Japan. The review period was August 1, 1994, through July 31, 1995. We are now terminating that review.

EFFECTIVE DATE: January 19, 1996.

FOR FURTHER INFORMATION CONTACT: Charles Riggle or Michael Rill, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4733.

SUPPLEMENTARY INFORMATION:

Background

On August 31, 1995, Du Pont de Nemours & Company (Du Pont), a domestic producer of PTFE resin, requested that the Department conduct an administrative review of the antidumping duty order on granular PTFE resin from Japan with respect to one manufacturer/exporter, Daikin Industries, Ltd. and Daikin America, Inc. (collectively Daikin). The review period is August 1, 1994, through July 31, 1995.

On October 12, 1995, the Department published in the Federal Register (60 FR 53164) a notice of initiation of an administrative review of the order with respect to Daikin and the period August 1, 1994, through July 31, 1995. On October 18, 1995, Du Pont withdrew its request for a review and requested that the review be terminated.

The Department's regulations at 19 CFR 353.22(a)(5) (1994) state that "the Secretary may permit a party that requests a review under paragraph (a) of this section to withdraw the request no later than 90 days after the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so." The withdrawal of the request for review was made within 90 days of the notice of initiation. Because there were no requests for review from other interested parties, we are terminating this review.

This notice serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning disposition of proprietary information disclosed under APO in accordance with section 353.34(d) of the Department's regulations. 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 the terms of an APO is a sanctionable violation.

This notice is in accordance with section 353.22(a)(5) of the Department's regulations (19 CFR 353.22(a)(5)).

Dated: December 6, 1996.
Joseph A. Spetrini,
Deputy Assistant Secretary for Compliance.
[FR Doc. 96-458 Filed 1-18-95; 8:45 am]
BILLING CODE 3510-DS-P

[A-475-818]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Pasta From Italy

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

EFFECTIVE DATE: January 19, 1996.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Donna Berg, or Michelle Frederick, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-5288, (202) 482-0114, or (202) 482-0186, respectively.

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 Rounds Agreements Act.

Preliminary Determination

We preliminarily determine that there is a reasonable basis to believe or suspect that certain pasta (pasta) from Italy is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the initiation of this investigation, the following events have occurred (*Notice of Initiation of Antidumping Duty Investigations: Certain Pasta from Italy and Turkey*, 60 FR 30268, 30269 (June 8, 1995) (*Initiation Notice*):

On June 26, 1995, the United States International Trade Commission (ITC) issued an affirmative preliminary injury determination in this case (see ITC Investigation No. 731-TA-734).

On July 10, 1995, the Department of Commerce (the Department) determined the resources available for this investigation limited our ability to analyze any more than the responses of the eight largest exporters of pasta to the United States. See the *Respondent Selection* section of this notice. We chose the following eight companies as mandatory respondents in this investigation: Arrighi S.p.A. Industrie Alimentari (Arrighi); F.lli De Cecco di Filippo Fara San Martino S.p.A. (De Cecco); Pastificio Del Verde S.r.l.

(Delverde); De Matteis Agroalimentare S.p.A. (De Matteis); La Molisana Industrie Alimentari S.p.A. (La Molisana); Liguori Pastificio Dal 1820 S.p.A. (Liguori); Pastificio Fratelli Pagani S.p.A. (Pagani); and Saral Industrie Alimentari Della Sardegna S.r.l. (Saral) (collectively respondents). We issued antidumping duty questionnaires, in accordance with 19 CFR 353.42(b), concerning Sections A, B, C, and D of the questionnaire to the eight mandatory respondents. Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under investigation that it sells, and the sales of the merchandise in all of its markets. Sections B and C of the questionnaire request home market sales listings and U.S. sales listings, respectively. Section D requests information on the cost of production of the foreign like product and constructed value of the merchandise under investigation.

On July 25 and 31, 1995, Delverde submitted comments concerning its relationship with an affiliate, Tamma Industrie Alimentari (TIA). On August 8, 1995, the Department requested clarification concerning this relationship. Responses to the Department's questions were received on August 14 and 15, 1995. On August 22, 1995, the Department determined TIA to be affiliated with Delverde under section 771(33) of the Act and informed Delverde that it must include TIA's sales in its response to Sections B and C of the questionnaire.

The Department also requested clarification concerning the relationship between Arrighi and another Italian pasta manufacturer, Italtasta. We received the response to our inquiries on September 6, 1995. Based on the response, we determined Italtasta to be affiliated with Arrighi and, on September 8, 1995, we informed Arrighi that it must include Italtasta's sales in its response to sections B and C of the questionnaire. Arrighi requested the Department to reconsider this decision. On September 26, 1995, however, we reiterated the determination that Arrighi and Italtasta are affiliated parties within the meaning of section 771(33) of the Act.

On August 14, 1995, Saral requested that it be removed from the list of mandatory respondents citing the following: (1) it had ceased production in March 1995, (2) by July 1995, the company's employees had left Saral, (3) Saral's plant and property are for sale, and (4) Saral will no longer export any products to the United States. On August 18, 1995, the Department

informed Saral that if it could document the alleged extenuating circumstances, it would not be required to respond to the Department's questionnaire. Saral submitted the documentation on September 15, 1995. On September 19, 1995, the Department notified Saral that it had rescinded its determination that Saral is a mandatory respondent on the basis of the information the company submitted but that the information was subject to verification.

On August 25, 1995, in accordance with section 733(c)(1)(B) of the Act, the Department determined this investigation to be extraordinarily complicated due to the large number of companies selected for investigation, the complexity of the transactions, and novel issues presented as a result of this investigation being one of the first cases conducted since the effective date of the Uruguay Round Agreements Act. Consequently, the Department postponed the preliminary determination until no later than December 8, 1995 (60 FR 45154 August 30, 1995). As a result of the federal government six-day shutdown, this date was further extended to December 14, 1995.

On September 13, 1995, La Molisana requested that it be excused from reporting its home market sales of the "La Corte" label. La Molisana stated that there were no U.S. sales of "La Corte" during the period of investigation (POI) and that the home market sales during the POI did not amount to a significant volume. The Department granted this request on September 26, 1995.

On October 20, 1995, the petitioners alleged "targeted dumping" within the meaning of section 777A(d)(1)(B) of the Act and requested that the Department compare the transaction-specific export prices in the U.S. market to the weighted-average normal values for each respondent. See the Targeted Dumping section of this notice.

The respondents submitted questionnaire responses to Sections A, B, C and D of the questionnaire in August, September, and November, 1995. The Department issued supplemental questionnaires in September and October, 1995. Responses to these supplemental questionnaires were received in September, October, and November, 1995.

On October 10, 1995, Borden Inc., Hershey Foods Corp., and Goch Foods, Inc. (the petitioners) alleged that Pagani sold the subject merchandise in Italy during the POI at prices below the cost of production (COP). The petitioners filed similar allegations against Liguori, Arrighi, De Matteis, De Cecco, Delverde,

La Molisana, and Arrighi between October 11 and October 19, 1995. Our analyses of these allegations indicated that there were reasonable grounds to believe or suspect that each of the respondents sold pasta in Italy at prices below the COP. Accordingly, we initiated COP investigations against these respondents pursuant to section 773(b) of the Act (see Memoranda from Gary Taverman to Barbara Stafford, dated October 19, 1995, October 21, 1995, and October 25, 1995). The Department received responses to Section D of the questionnaire, the cost-of-production section, from each of these companies in November, 1995.

Facts Available

De Cecco submitted its response to Section D of the questionnaire on November 27, 1995. It had submitted supplemental questionnaire responses to Section A on September 22, 1995, and to Sections B and C on November 6, 1995. An analysis of these responses indicated that De Cecco had not provided a complete reporting of all of the affiliated persons defined in section 771(33) of the Act and requested in question 2 of Section A of the Department's questionnaire. Specifically, while reviewing De Cecco's various responses, it became apparent that De Cecco failed to report the sales and production information of an affiliated company and the relationships among related investors in both De Cecco and the affiliated company. *See also*, Memorandum from Gary Taverman to Barbara Stafford dated December 14, 1995. The omissions and resulting inaccuracies in the De Cecco responses were material to the Department's ability to calculate a dumping margin and we met with counsel for De Cecco on December 4, 1995, to inform them of this fact. At that time, we provided a list of basic questions regarding affiliated persons to counsel and informed counsel that responses to these questions were necessary to clarify inconsistent, inaccurate, or misleading information in De Cecco's earlier submissions and to establish a frame of reference for additional questions that remain unanswered. De Cecco supplied responses to the questions on the list on December 6, 1995. The Department is in the process of preparing supplemental questions for issues that have yet to be resolved in the company's responses. Inasmuch as the company's responses to date indicate that both the U.S. and home market sales data bases are incomplete and that certain sales data and production costs have not been reported, we cannot conduct an accurate

cost of production analysis or a less-than-fair-value analysis using the reported prices.

Section 776(a)(2) of the Act provides that if an interested party withholds information that has been requested by the Department, fails to provide such information in a timely manner or in the form or manner requested, significantly impedes a determination under the antidumping statute, or provides such information but the information cannot be verified, the Department shall use facts otherwise available in reaching the applicable determination. Because De Cecco repeatedly failed to submit the information that the Department had specifically requested and failed to clarify the inconsistencies in the material that it did submit, we must use facts otherwise available with regard to De Cecco.

Section 776(b) provides that adverse inferences may be used against a party that has failed to cooperate by not acting to the best of its ability to comply with requests for information. *See also* SAA, at 870. Again, De Cecco's failure to provide information in its possession that the Department requested on repeated occasions and its failure to clarify inconsistencies in information it submitted on the record demonstrate that De Cecco has failed, to date, to cooperate to the best of its ability in this investigation. Thus, the Department has determined that, in selecting among the facts otherwise available to De Cecco, an adverse inference is warranted. As facts otherwise available, we are assigning to De Cecco the simple average of the range of the margins stated in the notice of initiation, 46.67 percent.

Section 776(c) provides that when the Department relies on secondary information in using the facts otherwise available it must, to the extent practicable, corroborate that information. When analyzing the petition, the Department reviewed all of the data the petitioners had submitted and the assumptions that petitioners made in calculating estimated dumping margins. As a result of that analysis, the Department revised the home market prices that petitioners relied upon in calculating the estimated dumping margins. On the basis of those adjustments, the Department recalculated the estimated dumping margins for certain pasta from Italy and found them to range from 21.85 percent to 71.49 percent. *See* Initiation Notice. In sum, the Department corroborated all of the secondary information in the petition from which the margins were calculated during our pre-initiation analysis of the petition.

We informed counsel for De Cecco that if the company's responses to our supplemental questions are complete, we will attempt to conduct verification of the company's information. If we verify that De Cecco's reported information is accurate and complete, we will use such information in the final determination.

Mandatory Respondent Selection

Section 777A(c) of the Act states that the Department shall calculate an individual dumping margin for each known exporter or producer of the subject merchandise, except where this approach is not practicable due to the large number of exporters or producers. Under this exception, the Department may limit its examination to: (1) a sample of exporters, producers, or types of products that is statistically valid based on the information available at the time of selection; or (2) exporters or producers accounting for the largest volume of the subject merchandise from the exporting country that can be reasonably examined. Section 353.44(b)(1) of the Department's regulations states that the Department will normally examine not less than 60 percent of the volume or value of sales, while section 353.59(b)(1) provides for sampling when a significant volume of sales is involved.

The petitions filed against pasta from Italy and Turkey listed 73 Italian and 15 Turkish companies as possible producers or exporters of pasta to the United States. Other information available to the Department indicated an equally large number of producers or exporters. Since, at the time of respondent selection, there was insufficient information on the record to employ statistically valid sampling techniques, the Department focused its selection on the producers and exporters accounting for the largest volume of exports to the United States (*see Sweaters Wholly or in Chief Weight of Man-Made Fiber from Taiwan* (58 FR 34585, (August 23, 1990)) and *Fresh Cut Roses from Colombia and Ecuador*. (60 FR 13958, (March 15, 1995))). Based on the administrative resources available to the Department and the anticipated inclusion of many complex issues related to new provisions of the Act, it was determined that the maximum total number of companies that could be handled in the parallel pasta investigations was ten. In a subsequent analysis of the volume of exports of individual companies from Italy and Turkey, it was determined that investigating ten companies would allow the Department to investigate 45 percent of the volume of exports from

each country. In Italy, 45 percent was attained with the eight largest companies, while in Turkey 45 percent was attained with the two largest companies. A complete analysis of the respondent selection process is contained in a July 7, 1995, decision memorandum from Gary Taverman to Barbara Stafford.

Voluntary Respondents

Section 782(a) of the Act states that individual rates shall be calculated for firms which voluntarily provide information, except where the number for all such respondents is so large that the calculation of individual dumping margins for all such respondents would be unduly burdensome and would prevent the timely completion of the investigation. Based on the same reasoning that led the Department to limit the number of respondents in the two antidumping duty investigations to ten companies (*i.e.* the large number of companies and administrative resource constraints), the Department determined that no voluntary respondents could be accepted unless one of the mandatory respondents did not participate. (See the July 7, 1995, decision memorandum from Gary Taverman to Barbara Stafford.) Potential voluntary respondents were provided with specific written guidance on the Department's criteria for including a voluntary respondent in the investigation. Ultimately, no voluntary respondent attempted to fulfill the Department's criteria for consideration.

Postponement of Final Determination

On December 11, 1995, Arrighi, De Cecco, De Matteis, Delverde, La Molisana, and Liguori requested that, pursuant to section 735(a)(2)(A) of the Act, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until not later than 135 days after the publication of the affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b), inasmuch as our preliminary determination is affirmative, the respondents account for a significant proportion of exports of the subject merchandise, and we are not aware of the existence of any compelling reasons for denying the request, we are granting respondents' request and postponing the final determination.

Scope of Investigation

The merchandise under investigation consists of certain non-egg dry pasta in packages of five pounds (or 2.27 kilograms) or less, whether or not

enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons or polyethylene or polypropylene bags, of varying dimensions.

Excluded from the scope of these investigations are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise under investigation is currently classifiable under items 1902.19.20 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. Although the *HTSUS* subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Scope Issues

(1) On July 19, 1995, and on August 24, 1995, the Association of Food Industries and the petitioners, respectively, requested that we expand the scope to cover all imports of non-egg dry pasta for the retail and food service markets. We have determined that the scope should not be expanded. See, *Preliminary Affirmative Countervailing Duty Determination: Certain Pasta From Italy*, 60 FR 53739 (October 17, 1995). (For further discussion of this decision, see Memorandum to Susan G. Esserman, Assistant Secretary for Import Administration, dated October 10, 1995.)

(2) On October 2, 1995, a U.S. importer of Italian pasta requested that the Department exclude from the scope of this investigation and the companion countervailing duty investigation "organic pasta" in compliance with European Economic Community Regulation No. 2092/91. This regulation sets forth a regime of standards for the cultivation, processing, storage, and transportation of organic foodstuffs with inspections of farms and processing plants by EEC-approved national certification authorities. For example, organic wheat farmers abstain from using chemical fertilizers, pesticides, and fungus control and, instead, rely upon the use of compost, manure, and crop rotation for fertilizer, predator insects for pest control, and air ventilation and movement systems to control fungus.

On November 9, 1995, the petitioners indicated that they were willing to modify the scope of the petition and the investigation to exclude certified

organic pasta of Italian origin if U.S. imports of such pasta were accompanied by certificates issued pursuant to EEC Regulation No. 2092/91.

On November 21, 1995, we requested additional data on the EEC regulation and certification process from the Section of Agriculture of the Delegation of the European Commission of the European Union. On December 8, 1995, the European Commission submitted responses to our inquiries. Included in the information submitted was the statement that EEC Regulation No. 2092/91 ". . . does not provide for certification of products intended for export to third Countries." Accordingly, we will not be able to modify the scope of the investigation to exclude organic pasta on the basis of the certification procedure called for under EEC Regulation No. 2092/91. Nevertheless, if similar certification procedures are established for exports to the United States, the Department will consider an exclusion for organic pasta at that time.

Period of Investigation

The period of investigation is May 1, 1994, through April 30, 1995.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all products produced by the respondent, covered by the description in the *Scope of Investigation* section, above, and sold in the home market during the POI, to be foreign-like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign-like product on the basis of the characteristics listed in Appendix III of the Department's antidumping questionnaire. In making the product comparisons, we relied on the shape classifications proposed by the respondents.

Targeted Dumping

On October 20, 1995, the petitioners requested that, for all respondents, the Department compare the transaction specific export prices in the United States market to weighted-average normal values, in accordance with the "targeted dumping" provisions of section 777A(d)(1)(B) of the Act. The petitioners' allegation rested on an analysis of average retail prices of selected brands of pasta, rather than on the export or constructed export prices of the respondents which were already on the record in the investigation and thus available to the petitioners. This

request was denied by the Department on November 8, 1995, on the grounds that the allegation did not meet the requirements of section 777(A)(d)(1)(B) because it was not: (1) Based on exporter-specific prices; (2) based on examination of "comparable" merchandise. See Memorandum from the Pasta Team to Barbara S. Stafford dated November 8, 1995.

On November 21 and 22, 1995, the petitioners requested that the Department apply the "targeted dumping" provision when calculating dumping margins for two of the Italian respondents, De Cecco and Delverde. The petitioners' allegation claimed that there is substantial evidence that prices for pasta sold by De Cecco and Delverde in the United States vary significantly on the basis of purchaser, geographic region and time and that using a weighted-average price would have the effect of concealing or minimizing dumping. This request was denied by the Department on December 8, 1995, on the ground that the petitioners' analysis failed to meet the basic requirements of section 777A(d)(1)(B) (i) and (ii).

The petitioners' allegation was based on conclusions drawn from simple averaging or from minimum and maximum price differentials and was not supported by any more specific analysis addressing the statutory elements. For example, the petitioners did not demonstrate satisfactorily a pattern of export prices differing significantly among either purchasers, regions or periods of time; moreover, they did not provide evidence or argument as to why different patterns of export prices could not be taken into account using the section 777A(d)(1)(A) preferred fair value comparison methodology. See, Memorandum from the Pasta Team to Barbara S. Stafford dated December 8, 1995.

Level of Trade

As set forth in section 773(a)(7)(A) of the Act and in the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act, at 829-831, to the extent practicable, the Department will calculate normal values based on sales at the same level of trade as the U.S. sales. When the Department is unable to find sales in the comparison market at the same level of trade as the U.S. sale(s), the Department may compare sales in the U.S. and foreign markets at a different level of trade.

In accordance with section 773(a)(7)(A) of the Act, if sales at different levels of trade are compared, the Department will adjust the normal

value to account for differences in levels of trade if two conditions are met. First, there must be differences between the selling functions performed by the seller at the different levels of trade. Second, the differences must affect price comparability as evidenced by a pattern of consistent price differences between sales at different levels of trade in the market in which normal value is determined. When constructed export price is applicable, section 773(a)(7)(B) of the Act establishes the procedures for making a constructed export price offset when: (1) Normal value is at a different level of trade, and (2) the data available do not provide an appropriate basis for a level of trade adjustment.

In order to identify levels of trade, the Department must review information concerning selling functions of the exporter. In addition, a respondent seeking to establish a level of trade adjustment must demonstrate the appropriateness of such an adjustment. Therefore, in addition to the questions related to the level of trade in our July 10, 1995, questionnaire, on October 23, 1995, we sent each respondent supplemental questions related to level of trade comparisons and adjustments. We asked each respondent to establish any claimed levels of trade based on selling functions performed and services offered to each customer or customer class, and to document and explain any claims for a level of trade adjustment.

Upon review of each respondent's submissions on level of trade, and other related information on the record, we identified one or both of the following difficulties: 1) not all of the selling functions performed were identified; 2) although certain selling functions were assigned to specific groups of customers, not all customers in some identified groups were provided the service.

In light of these concerns, we reviewed each response to identify all types of selling functions, both claimed and unclaimed, that had been provided. We subsequently consolidated the selling functions into four broad categories related to the sale of pasta: (1) Freight and delivery services; (2) advertising; (3) maintaining finished goods inventories to fill customer orders; and (4) other service programs (primarily handling rebate and warranty claims). We then analyzed each respondent's submissions to determine which selling function categories applied to each pasta sale made in the U.S. and Italian market. We did this based on both the selling expenses reported for that transaction and the respondent's narrative descriptions. Finally, we created a computer program

that assessed, on a transaction specific basis, whether or not services corresponding to the four selling function categories were provided.

To the extent practicable, we compared normal value at the same level of trade as the U.S. sale (as indicated by the level of trade codes established in the computer program). Where comparisons at the same level of trade were not possible, we attempted a comparison at the next most comparable level of trade. Any remaining unmatched U.S. sales were compared to sales in the comparison market without regard to level of trade.

Two Italian respondents, Liguori and La Molisana claimed a level of trade adjustment for comparisons between different levels of trade. However, these level of trade adjustments were not allowed because none of the claimed adjustments were based on price differences between the two levels of trade. One respondent, Del Verde, claimed a constructed export price offset, but the offset was not considered because U.S. sales were matched to normal values at the same levels of trade.

The level of trade methodology employed by the Department in this preliminary determination is based on the facts particular to this investigation. As stated above, there is a new emphasis on function of the seller in determining level of trade, as well as new conditions for a level of trade comparison or adjustment. The Department intends, where appropriate, to request additional information prior to verification for its continuing analysis of this issue. The Department will continue to examine its policy for making level of trade comparisons and adjustments.

Fair Value Comparisons

To determine whether sales of pasta by the Italian respondents to the United States were made at less than fair value, we compared the export price (EP) and/or constructed export price (CEP) to the Normal Value (NV), as described in the "Export Price and Constructed Export Price" and "Normal Value" sections of this notice. In accordance with section 777A(d)(1)(A)(i), we calculated weighted-average EPs and CEPs for comparisons to weighted-average NVs.

For certain U.S. and Italian market sales, Arrighi, Delverde, La Molisana, Liguori, and Pagani reported the re-sale of subject merchandise purchased in Italy from unaffiliated producers. Section 772(a) of the Act defines the export price to the United States in a reseller situation as "the price at which the subject merchandise is first sold (or

agreed to be sold) by the producer to an unaffiliated purchaser for exportation to the United States." Where unaffiliated producers of the merchandise under investigation knew at the time of the sale that the merchandise was destined for the United States, the relevant basis for the export price would be the price between the producer and the respondents. Delverde, Liguori, La Molisana, Pagani, and Arrighi have each stated that the unaffiliated producers knew or had reason to know at the time of sale that the ultimate destination of the merchandise was the United States because the U.S. market is the only market where enriched pasta is sold. For these transactions, therefore, the price between the respondents and their U.S. customers cannot be the basis for the export price.

In calculating EP for Arrighi, however, we were unable to determine which particular U.S. sales were of merchandise produced by firms other than Arrighi. Therefore, we weighted the dumping margin for Arrighi for each product category it identified by 1) calculating a ratio of the volume of Arrighi-produced product to the combined total volumes of Arrighi-produced and purchased product in the same period, and 2) applying the ratio to margin calculation for that corresponding product sold to the United States during the POI, allowing us to calculate a margin based on an estimated quantity of Arrighi-produced product.

Because section 773(a)(1)(B)(i) of the Act incorporates by reference the definition of foreign like product in section 771(16) of the Act, it prohibits our using sales of merchandise produced by persons other than the respondents in our calculation of normal value. Accordingly, we have excluded from our analysis all of the sales from each of the companies of subject merchandise in the U.S. and Italian markets that were not produced by the respondent companies.

Export Price and Constructed Export Price

We calculated EP, in accordance with subsections 772(a) and (c) of the Act, for each of the respondents, where the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP was not otherwise warranted based on the facts of record. In addition, for Delverde, we calculated CEP, in accordance with subsections 772(b) and (d) of the Act, for those sales to the first unaffiliated purchaser that took place after importation into the United States.

We made company-specific adjustments as follows:

Arrighi

We calculated EP based on packed, ex-works, FOB Italian port, and C&F prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for the following charges: foreign inland freight and brokerage, marine insurance, handling, and early payment discounts. We recalculated credit expenses for those transactions with no reported payment dates. For U.S. sales denominated in U.S. dollars, we adjusted interest expenses by applying the average U.S. prime interest rate during the POI.

Delverde

We calculated EP based on packed, CIF, FOB Naples, C&F, or FAS Naples prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price for discounts, rebates, freight and warehousing expenses, foreign brokerage and handling, and ocean freight and marine insurance.

We recalculated Delverde's gross unit prices for those sales that did not reflect ocean freight revenues and expenses. We also recalculated reported credit expenses and inventory carrying costs based on the weighted average of its short-term borrowings during the POI.

We calculated CEP sales based on packed, FOB U.S. warehouse delivery to unaffiliated customers or on duty-paid, ex-dock prices to unaffiliated customers. Where appropriate, we made deductions for discounts, rebates, advertising, commissions, and credit. We also made deductions for foreign brokerage and handling, freight and warehousing expenses, ocean freight and marine insurance, U.S. brokerage and handling, and U.S. duty and harbor fees. We deducted those indirect selling expenses, including inventory carrying costs, that related to commercial activity in the United States. Finally, we made an adjustment for CEP profit in accordance with section 772 of the Act.

De Matteis

We calculated EP based on packed, ex-factory prices to unaffiliated customers. We made no deductions from the starting price because no discounts, rebates, or movement expenses were reported. In those instances where De Matteis had not reported payment dates, we recalculated reported credit expenses.

La Molisana

We based EP on packed, FOB Port of Naples prices to unaffiliated customers in the United States. Where appropriate, we made deductions from the starting price for foreign inland freight, foreign brokerage, and handling charges. We also recalculated credit expenses based upon information La Molisana submitted on November 30, 1995.

Liguori

We based EP on packed, ex-factory prices to unaffiliated customers in the United States. Where appropriate, we made deductions for discounts, foreign brokerage and handling. For those sales denominated in Italian lira, we recalculated credit expenses using the short-term borrowing rate reported for the Italian market.

Pagani

Pagani had not correctly reported its starting prices. We calculated EP on the basis of recalculated packed, prices to unaffiliated customers. Where appropriate, we made deductions from the starting price for quantity discounts, other discounts, rebates, and movement expenses. In those instances where Pagani did not report either payment dates or payment dates and shipment dates, we recalculated Pagani's reported credit expenses. Where Pagani did not report only shipment dates, we recalculated movement expenses.

Normal Value

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared each respondent's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Since all respondents' aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that the home market was viable for each respondent. Therefore, we have based NV on home market sales.

Cost of Production Analysis

As noted in the Case History section above, based on the petitioners' allegations, the Department found reasonable grounds to believe or suspect that each respondent made sales in the home market at prices below the cost of producing the merchandise. As a result, the Department initiated investigations to determine whether the respondents made home market sales during the POI at prices below their respective cost of

production (COP) within the meaning of section 773(b) of the Act.

Before making any fair value comparisons, we conducted the COP analysis described below.

A. Calculation of COP

We calculated the COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for home market selling, general, and administrative expenses (SG&A) and packing costs in accordance with section 773(b)(3) of the Act. We relied on the respondents' COP amounts except in the following specific instances wherein the reported costs were improperly valued:

Arrighi. Arrighi and Italpasta excluded bank charges and commissions from the calculation of financial expenses. As these costs relate generally to the financing operation of the companies, we included them in the revised calculation of financial expenses.

Delverde. (1) Delverde and TIA reported product-specific production quantities and costs of manufacture (COM) separately for each company. We used the reported production quantities to calculate a combined weighted-average COM for Delverde and TIA on a product-specific basis.

(2) We combined Delverde's and TIA's submitted G&A expenses and cost of sales figures to derive a single G&A factor. Delverde included a negative amount for its parent company's allocated G&A. We excluded this amount in the revised G&A rate.

(3) We combined Sangralmenti (Delverde's consolidated parent) and TIA's submitted net financing costs and cost of sales figures to derive a single net interest factor.

De Matteis. (1) In calculating its cost of producing semolina, De Matteis offset wheat costs with the sales value of other products. We revised De Matteis' material costs to exclude this offset because it is inappropriate to reduce the cost of producing pasta with revenues earned on unrelated products.

(2) We revised De Matteis' material costs to reflect the yield loss for both the self-produced and purchased semolina used in producing pasta.

(3) De Matteis' financial statement indicated that the company incurred additional costs relating to employee social security. These costs were reported as extraordinary expenses on the company's financial statements. De Matteis did not report these costs in its COP and CV. We believe, however, that these amounts are properly included as part of labor costs relating to pasta

production. We therefore revised De Matteis' submitted COP and CV figures to include the social security costs.

La Molisana. La Molisana included bond interest income in its calculation of short-term interest income used as an offset to interest expense. We excluded the bond interest income because bonds generally are long-term in nature and, thus, are not an appropriate offset in calculating the interest expense. We adjusted La Molisana's reported indirect selling expenses by reclassifying a portion of reported direct advertising expense as indirect expenses.

Liguori. Liguori did not include discount and finance charges in its calculation of financing expense. Given that Liguori's discount and finance charges are listed as an interest expense on its financial statement, we recalculated the company's financing expense inclusive of these charges.

Pagani. We made no changes to Pagani's submitted costs.

B. Test of Home Market Prices

We used the respondents' adjusted weighted-average COP for the POI. We compared the weighted-average COP figures to home market sales of the foreign like product as required under section 773(b) of the Act, in order to determine whether these sales had been made at below-cost prices within an extended period of time in substantial quantities, and were not at prices which permit recovery of all costs within a reasonable period of time. On a product specific basis, we compared the COP to the home market prices, less any applicable movement charges, rebates, and direct and indirect selling expenses.

C. Results of COP Test

Pursuant to section 773(b)(2)(c) where less than 20 percent of a respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of a respondent's sales of a given product were at prices less than the COP, we disregarded only the below-cost sales where such sales were found to be made within an extended period of time (in accordance with section 773(b)(2)(B) of the Act) and at prices which would not permit recovery of all costs within a reasonable period of time (in accordance with section 773(b)(2)(D) of the Act). For each respondent, where all sales of a specific product were at prices below the COP, we disregarded all sales of that product, and calculated NV based on CV, in accordance with section 773(a) of the Act.

We found that, for certain types of pasta, more than 20 percent of the following respondents' home market sales were sold at below COP prices within an extended period of time in substantial quantities: Arrighi, De Matteis, and La Molisana, and Liguori. Further we did not find that these sales provided for the recovery of costs within a reasonable period of time. We therefore excluded these sales and used the remaining above-cost sales as the basis of determining NV if such sales existed, in accordance with section 773(b)(1). For those types of pasta for which there were no above-cost sales in the ordinary course of trade, we compared export prices to CV.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of a respondent's cost of materials, fabrication, SG&A and U.S. packing costs as reported in the U.S. sales databases. In accordance with sections 773(e)(2)(A) we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. Where appropriate, we calculated each respondent's CV based on the methodology described in the calculation of COP above. For selling expenses, we used the weighted-average home market selling expenses.

For each of the respondents, we made adjustments, where appropriate, for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Where the difference in merchandise adjustment for any product comparison exceeded 20 percent, we based normal value on CV. In addition, in accordance with section 773(a)(6)(B), we deducted home market packing costs and added U.S. packing costs for all respondents.

We adjusted for commissions as follows. Where commissions were paid on some, but not all, home market sales used to calculate NV, and U.S. commissions were greater than home market commissions, we calculated the weighted-average of home market indirect selling expenses attributable to those sales on which no commissions were paid. If U.S. commissions were greater than the sum of the home market commissions and indirect selling expenses, we deducted the weighted-average home market indirect selling expenses from NV. Otherwise, we adjusted NV for the difference between U.S. and home market commissions. Where no commissions were paid on a

home market sale used to calculate NV, we deducted the lesser of either (1) the weighted-average amount of commission paid on a U.S. sale for a particular product, or (2) the weighted-average amount of indirect selling expenses paid on the home market sales for a particular product. Where commissions were paid on all home market sales used to calculate NV, we adjusted NV by the lesser of either (1) the amount of the commission paid on the home market sale, or (2) the weighted average of indirect selling expenses paid on U.S. sales.

La Molisana and Liguori reported that their sales to their respective affiliated resellers were made at arm's length. Sales not made at arm's length were excluded from our LTFV analysis. Where the exclusion of such sales eliminated all sales of the most appropriate comparison product, we made a comparison to the next most similar model. To test whether these sales were made at arm's length, we compared the starting prices of sales to affiliated and unaffiliated customers net of all movement charges, direct and indirect selling expenses, and packing. We utilized the 99.5 percent benchmark ratio used in the 1993 carbon steel investigations (see below). Where a related customer price ratio was composed of comparisons between sales of identical products to unrelated customers at both the same and different levels of trade, only those sales of identical products at the same level of trade were used to construct the ratio. Where a related customer ratio was composed of comparisons between sales of identical products to unrelated customers but those sales did not take place at the same level of trade, we continued to use all the sales in our comparisons regardless of level of trade to construct the ratio. Where no related customer ratio could be constructed because identical merchandise was not sold to unrelated customers, we were unable to determine that these sales were made at arm's length and, therefore, excluded them from our LTFV analysis. See *Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina* (58 FR 37062, 37077 (July 9, 1993)).

Price-to-Price Comparisons. We made company-specific adjustments for price-to-price comparisons as follows:

Arrighi. We calculated NV based on ex-works or delivered prices to unaffiliated customers. We made deductions from the starting price for discounts, rebates, and inland freight. In addition, we adjusted for differences in circumstances of sale for imputed credit

expenses, advertising, warranties, and commissions.

We recalculated Arrighi's credit expenses for those transactions missing payment dates.

Delverde. We allowed Delverde to exclude sales of gift packets in the home market; its home market sales from its on-site factory store; and the home market sales of pasta by, and sales of pasta purchased from, an affiliated producer. We calculated NV based on ex-factory, ex-warehouse, CIF, or delivered prices to unaffiliated customers. Deductions were made for discounts and rebates, inland freight, warehousing and insurance expenses. In addition, we made circumstance of sale adjustments or deductions for credit, advertising expenses, and commissions, where appropriate. We reclassified reported slotting fees and certain commission payments as indirect selling expenses because Delverde was unable to link these payments to specific POI sales.

De Matteis. We calculated NV based on ex-factory or delivered prices to unaffiliated customers. We made deductions from the starting price for discounts and inland freight. We also made adjustments for differences in sale for imputed credit and commissions. In those instances where De Matteis did not report a payment date, we recalculated reported credit expenses.

La Molisana. We based NV on ex-factory or delivered prices to unaffiliated customers, or prices to affiliated customers that were determined to be at arm's length. We made deductions for discounts and rebates, inland freight, and pre-sale warehousing expenses. We made circumstance of sale adjustments for differences in credit and advertising expenses between the United States and the home market.

In reporting a discount, La Molisana reported both the value recorded in its internal accounting system on specific invoices and the average discount on a customer-specific basis. We relied upon the average amount reported on a per customer basis. We also adjusted La Molisana's reported direct advertising expense by removing introduction incentives and trade promotion expenses and adding these expenses to the indirect selling expenses reported as a component of COP (see "Calculation of COP" section below). Finally, we excluded a small number of reported sales where product characteristics were not reported and/or the transactions were later found not to have been sales.

Liguori. We based NV on delivered prices to unaffiliated customers, or prices to affiliated customers which

were determined to be at arm's length. Deductions were made for discounts and rebates, inland freight and unloading expenses. We made circumstance of sale adjustments for differences in credit, warranty, commission, and advertising expenses. We recalculated Liguori's reported credit expenses in instances where Liguori had not reported a payment date because the merchandise had not yet been paid for at the time of the filing of its responses. We also reclassified reported slotting fees as indirect selling expenses.

Pagani. Pagani had not correctly reported its starting prices. We recalculated NV on the basis of ex-factory prices to unaffiliated customers. Where appropriate, we deducted discounts, rebates, and movement expenses from the starting price. We also made adjustments for differences in sale for imputed credit expenses, advertising, and commissions. In those instances where Pagani did not report payment dates or payment and shipment dates, we recalculated reported credit expenses. Where Pagani did not report shipment dates, we recalculated movement expenses.

Price to CV Comparisons

Where we compared CV to export prices, we deducted from CV the weighted-average home market direct selling expenses and added the weighted-average U.S. product-specific direct selling expenses.

Currency Conversion

For the purpose of the preliminary determination, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank of New York. Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a "fluctuation." For this preliminary determination, we have determined that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate.

Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. No adjustment period is warranted in this case, because

the Italian lira generally remained constant or depreciated against the U.S. dollar during the POI.

Verification

As provided in section 782(i) of the Act, we will verify all information determined to be acceptable for use in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of certain pasta from Italy, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register. Normally, we would instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price, as indicated in the chart below. However, the product under investigation is also subject to concurrent countervailing duty investigation. Article VI.5 of the General Agreement on Tariffs and Trade (GATT) provides that "[n]o product * * * shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(c)(1)(C) of the Act. Since antidumping duties cannot be assessed on the portion of the margin attributed to export subsidies, there is no reason to require a cash deposit or bond for that amount.

The Department has determined, in its *Preliminary Affirmative Countervailing Duty Determination: Certain Pasta from Italy* (60 FR 53747 (October 17, 1995)), that the product under investigation benefitted from export subsidies. To obtain the most accurate estimate of antidumping duties, and to fulfill our international obligations arising under the GATT, we are subtracting, for deposit purposes, the cash deposit rate attributable to the export subsidies found in the countervailing duty investigation. (For Arrighi 0.62, Delverde 0.77, and La Molisana 0.08 percent.) We are also subtracting from the "All Others" rate the cash deposit rate attributable to the export subsidies included in the countervailing duty investigation for the All Others rate, 0.20 percent. In keeping with Article 17.4 of the WTO Agreement on Subsidies and Countervailing Measures, the Department will terminate the suspension of liquidation in the companion countervailing duty investigation of *Certain Pasta From Italy*, effective February 14, 1995, which

is 120 days after the date of publication of the preliminary determination. Accordingly, on February 14, 1996, the antidumping deposit rate will revert to the full amount calculated in this preliminary determination. These suspension of liquidation instructions will remain in effect until further notice.

Exporter/Manufacturer	Weighted-average margin percentage	Bonding percentage
Arrighi	0.06	0.00
De Cecco *	46.67	46.67
Delverde	0.06	0.00
De Matteis	22.15	22.15
La Molisana	14.83	14.03
Liguori	12.85	12.85
Pagani	0.14	0.00
All Others	15.85	15.56

* Facts Available Rate.

Pursuant to section 775(c)(5)(A) of the Act, the Department has excluded all zero and *de minimis* weighted-average dumping margins and margins determined entirely under section 776 of the Act, from the calculation of the All Others rate.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than April 1, 1996, and rebuttal briefs, no later than April 4, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on April 8, 1996, the time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

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, U.S. Department of Commerce, Room B-099, within ten days of the 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 the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: December 14, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96-457 Filed 1-18-96; 8:45 am]

BILLING CODE 3510-DS-P

[A-489-805]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Pasta From Turkey

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

EFFECTIVE DATE: January 19, 1996.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Michelle Frederick, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-5288 or (202) 482-0186, respectively.

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 Rounds Agreements Act (URAA).

Preliminary Determination

We determine that there is a reasonable basis to believe or suspect that certain pasta (pasta) from Turkey is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733(b) of the Act. The estimated margins of sales at LTFV are shown in the "Suspension of Liquidation" section of this notice.