

Executive Secretary at the address below. The closing period for their receipt is July 22, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 6, 1997).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

Trade Zone Services Corporation, 600 West Service Road, Suite 307A, Washington Dulles International Airport, Washington, DC 20041
Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: May 13, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97-13664 Filed 5-22-97; 8:45 am]

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 887]

Expansion of Foreign-Trade Zone 20 Hampton Roads, Virginia, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the Virginia Port Authority, grantee of Foreign-Trade Zone 20, for authority to expand Foreign-Trade Zone 20 to include ten additional sites in the Hampton Roads and Front Royal, Virginia, areas, was filed by the Board on April 15, 1996 (FTZ Docket 30-96, 61 FR 18380, 4/25/97); and,

Whereas, notice inviting public comment was given in **Federal Register** and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The application to expand FTZ 20 is approved, subject to the Act and the Board's regulations, including Section 400.28, and subject to the standard 2,000-acre activation limit.

Signed at Washington, DC, this 8th day of May 1997.

Robert S. LaRussa,

Acting Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 97-13667 Filed 5-22-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-549-813]

Notice of Court Decision: Canned Pineapple Fruit From Thailand

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

SUMMARY: On March 18, 1997, the United States Court of International Trade (CIT) affirmed the Department of Commerce's results of redetermination pursuant to remand of the final determination of sales at less than fair value in the investigation of canned pineapple fruit from Thailand. *Thai Public Pineapple Co. v. United States*, Slip Op. 97-32.

EFFECTIVE DATE: May 23, 1997.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler at (202) 482-1442 or Kris Campbell at (202) 482-3813, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

SUPPLEMENTARY INFORMATION: On June 5, 1995, the Department of Commerce (the Department) published its final affirmative antidumping determination (final determination) in the less-than-fair-value (LTFV) investigation of canned pineapple fruit from Thailand. 60 FR 36775. On July 18, 1995, the Department published an amended final determination and antidumping duty order on canned pineapple fruit from Thailand. 60 FR 36775. In the final determination, for three Thai respondents, the Department used the pineapple fruit cost allocations from each company's normal accounting system because each company's allocation methodology was consistent with Thai generally accepted accounting principles ("GAAP") and reasonably reflected the actual production costs incurred during the period of investigation. For the fourth respondent, Dole, the Department relied upon an average of the fruit cost allocation percentages normally used by the other three because, although Dole's

allocation methodology was consistent with Thai GAAP, it did not reasonably reflect the costs associated with production of canned pineapple fruit ("CPF"). The Department did not use the alternative fruit cost methodologies submitted by respondents, which were based on the relative weight of fresh pineapple fruit in CPF and other products.

The respondents sued, arguing, *inter alia*, that the Court of Appeals for the Federal Circuit's (CAFC) decision in *IPSCO, Inc. v. United States*, 965 F.2d 1056 (Fed. Cir. 1992) ("*IPSCO*"), mandates the use of a weight-based cost allocation methodology.

On November 8, 1996, the U.S. Court of International Trade (CIT) remanded the case to the Department with instructions either to accept the weight-based methodologies for allocation of costs submitted by the respondents, or to rely on another "non-output price-based cost allocation methodology." Slip Op. 96-182. The CIT held that the Department's reliance on the allocations of costs in the respondents' normal accounting systems was "arbitrary, capricious, not based on substantial evidence and contrary to law" because, according to the CIT, these allocations were "unreliable and distortive of actual costs." *Id.* at 19. The CIT then held that the CAFC in *IPSCO* had held that only a weight-based allocation of costs is permitted under the antidumping statute. *Id.* at 28-29.

On February 4, 1997, the Department filed its remand with the CIT. In the remand, the Department stated that although it respectfully disagreed with the CIT's decision, it had nonetheless complied with the CIT's instructions and had revised its determination to reflect the weight-based fruit cost allocation methodologies submitted by the respondents. On March 18, 1997, the CIT affirmed the Department's remand determination. Slip. Op. 97-32.

We note that in its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990), the CAFC held that, pursuant to 19 U.S.C. § 1516a(e), the Department must publish notice of a court decision which is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The CIT opinions in *Thai Public Pineapple Co. v. United States* on November 8, 1996, and March 18, 1997, constitute a decision not in harmony with the Department's final determination. Publication of this notice fulfills the "*Timken*" requirement.

Absent an appeal, or, if appealed, upon a "conclusive" court decision affirming the CIT's opinion, the