

Korea. Pursuant to that application, the Department initiated an anti-circumvention inquiry on January 19, 1996 (61 FR 1339, January 19, 1996). On December 19, 1997, petitioner submitted a letter requesting that the Department terminate the anticircumvention inquiry. Accordingly, we are terminating the inquiry.

Dated: December 19, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-580-008]

Color Television Receivers From Korea; Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review

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

ACTION: Notice of affirmative preliminary determination of changed circumstances antidumping duty administrative review and intent to revoke.

SUMMARY: In response to a request from Samsung Electronics Co., Ltd. (Samsung), the Department of Commerce (the Department) is conducting a changed circumstances review of the antidumping duty order on color television receivers (CTVs) from the Republic of Korea (Korea) (49 FR 18336, April 30, 1984).

We have preliminarily determined that it is appropriate to partially revoke this AD order with respect to Samsung.

EFFECTIVE DATE: December 31, 1997.

FOR FURTHER INFORMATION CONTACT: Jim Terpstra or Holly Kuga, Antidumping and Countervailing Duty Enforcement, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3965, or 482-4737, 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 amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise

indicated, all references to the Department's regulations are to 19 CFR Part 353 (1997).

Background

On April 30, 1984, the Department published in the **Federal Register** (49 FR 18336) the antidumping duty order on CTVs from the Republic of Korea (the order). On July 20, 1995, the Department received a request by Samsung for a changed circumstances administrative review to consider revocation of the antidumping duty order, as it applies to Samsung. In their request, Samsung cited three reasons why the Department should revoke the antidumping duty order. First, the timing of certain court decisions on previous administrative reviews of this order prevented Samsung from filing in a timely manner for revocation under Section 751 (a) of the Act. Second, Samsung was found not to be dumping CTVs in the United States during the last six years that shipments from Korea had occurred. Third, Samsung has not shipped CTVs to the United States since early 1991. Zenith Electronics Corporation, a domestic interested party, and other petitioners filed objections to Samsung's request on August 4, 1995 and August 11, 1995, respectively.

Pursuant to Samsung's request, the Department published an initiation of changed circumstance review in the **Federal Register** on June 24, 1996 (61 FR 32426). On December 6, 1996, the Department issued the changed circumstance questionnaire to Samsung, who filed its response on February 24, 1997. Petitioners submitted their comments on Samsung's questionnaire response on June 17, 1997. Subsequently, both petitioners and Samsung have submitted additional comments.

On December 19, 1997, Petitioners requested that the anticircumvention inquiry on Korean CTVs be terminated. Accordingly, on December 19, 1997, we terminated that inquiry.

Scope of Review

Imports covered by this review include Samsung CTVs, complete and incomplete, from the Republic of Korea. This merchandise is classifiable under the 1996 Harmonized Tariff Schedule (HTS) as item 8528.12.04, 8528.12.08, 8528.12.12, 8528.12.16, 8528.12.20, 8528.12.24, 8528.12.28, 8528.12.32, 8528.12.36, 8528.12.40, 8528.12.44, 8528.12.48, 8528.12.52, 8528.12.56, 8528.12.62, 8528.12.64, 8528.12.68, 8528.12.72, 8528.12.76, 8528.12.80, 8528.12.84, and 8528.12.88. The order covers all CTVs regardless of HTS classification. The HTS subheadings are

provided for convenience and for customs purposes. The written description of the scope of the order remains dispositive.

Analysis

Based upon our analysis, we preliminarily determine that changed circumstances exist sufficient to warrant partial revocation of the antidumping duty order on CTVs with respect to Samsung. Therefore, we intend to partially revoke the order with respect to Samsung. The Department may grant a partial revocation of an antidumping duty order under 19 CFR 353.25(b). To do so it must find that producers or resellers have sold the subject merchandise at not less than foreign market value for a period of not less than three consecutive years and that it is not likely that the producers or resellers will in the future sell the merchandise at not less than foreign market value. 19 CFR 353.25(a)(2)(i) and (ii). Further, the producers or resellers must agree in writing to immediate reinstatement in the order if the Department concludes that the producer or reseller, subsequent to revocation, sold the merchandise at less than foreign market value. 19 CFR 353.25(a)(2)(iii).

In the present case, Samsung has met the eligibility requirement of three consecutive years of *de minimis* margins, and the Department has found that it is not likely that Samsung will sell the merchandise at not less than foreign market value in the future. Samsung sold subject merchandise at not less than foreign market value for a period of six consecutive years.

Samsung has also argued that because it has not shipped CTVs from Korea to the United States, it is not likely that dumping will resume. We do not consider this argument relevant because the Department explicitly excluded the lack of shipments as a basis for revocation. See Antidumping Duties, Final Rule, 54 FR 12742; March 28, 1989.

Nonetheless, if Samsung were to resume shipping CTVs from Korea, we do not find it likely that such imports would be sold in the United States at prices less than foreign market value. Samsung has established a significant history of selling Korean CTVs in the United States at prices that are not less than foreign market value. Absent evidence that conditions in the United States or Korean CTV markets have changed, or that Samsung's pricing methods have changed after its six years of *de minimis* margins, the Department preliminarily finds that Samsung is not likely to resume dumping of CTVs in

the United States. Accordingly, we find that the antidumping duty order as to Samsung is no longer necessary and preliminarily determine to revoke the order in part as to Samsung, provided Samsung agrees in writing to immediate reinstatement in the order in the event it sells the merchandise at less than normal value subsequent to revocation.

The Unions have argued that Samsung is likely to resume dumping based on Samsung's price and cost data. They contend that price comparison data submitted by Samsung indicate that Samsung would sell CTVs at less than normal value if the company resumed shipments of CTVs from Korea. Further, the Unions contend that Samsung will likely resume shipments from Korea for newly developed technologies which its operations in Mexico cannot produce.

As stated above, the likelihood of Samsung resuming shipments is not relevant to our finding here. Instead, we must address the issue of whether dumping would be likely to occur if shipments were to resume. Petitioners claim that Samsung's prices in Korea are likely to be significantly higher than prices Samsung is charging on shipments of CTVs from Mexico sold in the United States. Petitioners' arguments are premised on their allegation that Samsung's shipments from Mexico are circumventing the order on CTVs from Korea. However, on December 19, 1997, petitioners requested that the Department terminate the anti-circumvention inquiry, and the Department has not address the issue of potential circumvention.

Thus, petitioners have not addressed the issue of potential price differentials between Samsung's sales in the Korean and U.S. markets if Samsung were to resume sales from Korea. With respect to the Unions' argument that products resulting from newly developed or developing technologies are likely to be dumped, we do not find persuasive evidence of record that shows that such products are likely to be dumped.

Public Comment

Interested parties are invited to submit comments on these preliminary results. In light of the termination of the Anticircumvention Inquiry, interested parties are encouraged to submit comments on the likelihood of resumption issue in particular. Case briefs and/or written comments from interested parties may be submitted no later than 30 days after the date of publication/notification of this notice. Rebuttal briefs and rebuttals to comments, limited to issues raised in those briefs or comments, may be filed

no later than 37 days after publication/notification of this notice. Any hearing, if requested, will be held 44 days after publication/notification of this notice.

Affirmative Preliminary Determination of Changed Circumstances

Based on our analysis discussed above, we preliminarily find that it is appropriate to partially revoke the AD order with respect to Samsung. This preliminary affirmative changed circumstances determination is in accordance with section 751(b) of the Act and 19 C.F.R. 353.22(f).

Dated: December 19, 1997.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Certain Pasta From Italy; Correction of Notice of Court Decision

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

ACTION: Notice.

SUMMARY: On December 15, 1997, the Department published a Notice in the **Federal Register** (62 FR 65673) concerning a decision of the United States Court of International Trade (CIT) in the case of *De Cecco et al. v. United States et al.* (Slip Op. 97-143, October 23, 1997). The notice indicated that absent an appeal of this decision, or, if the decision were to be appealed, upon a "conclusive" court decision affirming the CIT's judgment, the Department would implement the CIT's determination with respect to entries of merchandise produced or imported by firms enumerated in the notice. Barilla Alimentari S.p.A., a party to the litigation, should have been listed as a producer in the notice, but was not. The corrected notice appears below.

EFFECTIVE DATE: November 3, 1997.

FOR FURTHER INFORMATION CONTACT:

Edward Easton or John Brinkmann, at (202) 482-1777 or (202) 482-5288, respectively, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1996, the Department published its final determination of sales at less than fair value in the antidumping duty investigation of certain pasta from Italy. On July 24, 1996, the Department published an amended final determination. Subsequently, De Cecco, *et al.*, filed lawsuits with the Court challenging the extension of provisional measures described above. On October 2, 1997, the CIT issued its opinion granting plaintiffs' and plaintiff-intervenors' motions. In its opinion, the CIT found that the Department had improperly extended the provisional measures period, as there had not been a proper request from exporters to extend this period. On October 23, 1997, the CIT directed the Department to issue instructions to implement its decision.

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The decision of the CIT in *De Cecco* constitutes a decision not in harmony with the Department's final determination. This notice fulfills the publication requirements of *Timken*.

Absent an appeal, or if appealed, upon a "conclusive" court decision affirming the CIT's judgment, the Department will direct the U.S. Customs Service to: (1) Lift the suspension of liquidation, release any bonds or other security posted, and refund any and all cash deposits paid as estimated antidumping duties on any and all entries of the subject merchandise were produced by the following producers—
F.lli De Cecco di Filippo Fara San Martino S.p.A.,
Rummo S.p.A. Molina e Pastificio,
La Molisana Industrie Alimentari S.p.A.,
Pastificio Fratelli Pagani S.p.A.,
Barilla Alimentari S.p.A, and
Industria Alimentari Colavita S.p.A.—
or imported by the following importers—

Agrusa, Inc.,
Bel Canto Fancy Foods, Ltd.,
Cento Fine Foods, Inc. (Alanric Food Distributors),
George De Lallo Co., Inc.,
Domil, Inc.,
Ferrara Food Co., Inc.,