

recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Department building.

In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at <http://ia.ita.doc.gov/>. The paper copy and electronic version of the Decision Memorandum are identical in content.

#### Determination Not To Revoke Order

For the reasons outlined in the Decision Memorandum, we have determined not to revoke the antidumping duty order with respect to subject merchandise produced and also exported by Malee, because its sales were not made in commercial quantities in accordance with 19 CFR 351.222(e)(1)(ii).

#### Fair Value Comparisons

We calculated export price (EP) and normal value (NV) based on the same methodology used in the preliminary results. We corrected clerical errors with respect to Malee and TPC.

#### Cost of Production

We calculated the COP based on the same methodology used in the preliminary results, with the exception of PRAFT. For PRAFT we used the five-year historical net realizable value ratio for calculating the fruit cost used in the COP. For a further discussion of this issue, see the Decision Memorandum, Comment 4. We corrected clerical errors with respect to SFP.

#### Final Results of Review

As a result of our review, we determine that the following percentage weighted-average margins exist for the period July 1, 1998, through June 30, 1999:

Manufacturer/exporter	Margin (percent)
Siam Food Products Company Ltd .....	0.37
The Thai Pineapple Public Company, Ltd .....	1.95
Kuiburi Fruit Canning Co. Ltd .....	1.63
Thai Pineapple Canning Industry Siam Fruit Canning (1988) Co. Ltd .....	3.42
Vita Food Factory (1989) Co. Ltd .....	1.31
The Prachuab Fruit Canning Company Ltd .....	5.19
Tropical Food Industries Co., Ltd .....	2.16
Malee Sampran Public Co., Ltd .....	4.02
	1.04

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated importer-specific assessment rates by

dividing the dumping margin found on the subject merchandise examined by the entered value of such merchandise. Where the import-specific assessment rate is above *de minimis* we will instruct the Customs Service to assess antidumping duties on that importer's entries of subject merchandise.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided by section 751(a) of the Act: (1) For the companies named above, the cash deposit rate will be the rate listed above, except where the margins are zero or *de minimis* no cash deposit will be required, (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a previous segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published in the most recent final results in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review or in any previous segment of this proceeding, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in these final results of review or in the most recent segment of the proceeding in which that manufacturer participated; and (4) if neither the exporter nor the manufacturer is a firm covered in this review or in any previous segment of this proceeding, the cash deposit rate will be 24.64 percent, the all others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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 in the subsequent assessment of double antidumping duties.

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return/destruction or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3).

Failure to comply is a violation of the APO.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 6, 2000.

**Troy H. Cribb,**

*Assistant Secretary for Import Administration.*

#### Appendix—Issues Covered in Decision Memorandum

- I. ISSUES SPECIFIC TO MALEE
  - Comment 1: Revocation
  - Comment 2: Imputed Credit Expenses
  - Comment 3: Export Price (EP) vs. Constructed Export Price (CEP)
- II. ISSUES SPECIFIC TO PRAFT
  - Comment 4: Fruit Cost Allocation
  - Comment 5: Direct vs. Indirect Selling Expenses
- III. ISSUES SPECIFIC TO SIFCO
  - Comment 6: Correction of Errors in Database
  - Comment 7: Calculation of General and Administrative (G&A) Expense Ratio
  - Comment 8: Calculation of Interest Expense Ratio
- IV. ISSUES SPECIFIC TO TIPCO
  - Comment 9: Expenses Related to Compliance with the Antidumping Duty Order
  - Comment 10: Foreign Exchange Gains and Losses
  - Comment 11: Calculation of Interest Expense Ratio
  - Comment 12: Offset to G&A
  - Comment 13: Purchase of Input from Affiliated Party
  - Comment 14: Offset to Cost of Manufacturing (COM)
  - Comment 15: Clerical Error Allegation
- V. ISSUES SPECIFIC TO TPC
  - Comment 16: Date of Sale
  - Comment 17: EP vs. CEP
  - Comment 18: Allocation of G&A to Arbitrage Activity
  - Comment 19: Allocation of Interest Expense to Arbitrage Activity
  - Comment 20: Clerical Error Allegation
- VI. ISSUES SPECIFIC TO SFP
  - Comment 21: Clerical Error Allegation

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#### DEPARTMENT OF COMMERCE

#### International Trade Administration

[A-475-818]

#### Certain Pasta From Italy: Final Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of final results of antidumping duty administrative review and determination to revoke the antidumping duty order in part: Certain pasta from Italy.

**SUMMARY:** On August 8, 2000, the Department of Commerce (the "Department") published the preliminary results of the administrative review of the antidumping duty order on certain pasta from Italy. This review covers the following exporters/producers of subject merchandise: (1) Commercio-Rappresentanze-Export S.r.l. ("Corex"); (2) F.lli De Cecco di Filippo Fara S. Martino S.p.A. ("De Cecco"); (3) La Molisana Industrie Alimentari S.p.A. ("La Molisana"); (4) Pastificio Fratelli Pagani S.p.A. ("Pagani"); (5) Pastificio Antonio Pallante ("Pallante"); (6) P.A.M. S.r.l. ("PAM"); and (7) N. Puglisi & F. Industria Paste Alimentare S.p.A. ("Puglisi"). The period of review ("POR") is July 1, 1998, through June 30, 1999.

Based on our analysis of the comments received, these final results differ from the preliminary results. The final results are listed in the section "Final Results of Review." For our final results, we have found that during the POR, La Molisana and PAM sold subject merchandise at less than normal value ("NV"). We have also found that during the POR, Corex, De Cecco, Pallante, Pagani, and Puglisi did not make sales of the subject merchandise at less than NV (i.e., "zero" or *de minimis* dumping margins). In addition, we are revoking the antidumping order with respect to De Cecco, based on three years of sales in commercial quantities at not less than NV. See "Intent to Revoke" section of this notice.

**EFFECTIVE DATE:** December 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** James Terpstra or Geoffrey Craig, AD/CVD Enforcement, Office VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-3965, or (202) 482-4161, respectively.

**SUPPLEMENTARY INFORMATION:**

**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 Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR Part 351 (1999).

**Background**

On August 8, 2000, the Department published the preliminary results of administrative review of the

antidumping duty order on certain pasta from Italy. See *Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review and Intent to Revoke Antidumping Duty Order in Part: Certain Pasta from Italy*, 65 FR 48467 (August 8, 2000) ("Preliminary Results"). The review covers seven manufacturers/exporters. The POR is July 1, 1998, through June 30, 1999. We invited parties to comment on our preliminary results of review. We received case briefs on September 7, 2000, from PAM, De Cecco, and La Molisana.<sup>1</sup> A public hearing was not held with respect to this review.<sup>2</sup> The Department has conducted this administrative review in accordance with section 751 of the Act.

**Scope of Review**

Imports covered by this review are shipments of certain non-egg dry pasta in packages of five pounds (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, diastasis, 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 this review 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. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia or by Consorzio per il Controllo dei Prodotti Biologici.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). Although the HTSUS subheading is provided for convenience and Customs purposes, the written

<sup>1</sup> On September 28, 2000, we rejected one page of the case brief submitted by PAM, pursuant to 19 CFR 351.301(b)(2) and 19 CFR 351.302(d), because we found that the page contained untimely new factual information. PAM resubmitted the page of the case brief without the new information on October 2, 2000.

<sup>2</sup> Although on September 7, 2000 PAM requested a hearing, that request was subsequently withdrawn on September 18, 2000. No other party requested a hearing.

description of the merchandise subject to the order is dispositive.

**Scope Rulings**

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the antidumping and countervailing duty orders. See Memorandum from Edward Easton to Richard Moreland, dated August 25, 1997, in the case file in the Central Records Unit, main Commerce building, room B-099 ("the CRU").

(2) On July 30, 1998, the Department issued a scope ruling, finding that multipacks consisting of six one-pound packages of pasta that are shrink-wrapped into a single package are within the scope of the antidumping and countervailing duty orders. See Letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration, to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc., dated July 30, 1998, which is available in the CRU.

(3) On October 23, 1997, the petitioners filed an application requesting that the Department initiate an anti-circumvention investigation of Barilla, an Italian producer and exporter of pasta. The Department initiated the investigation on December 8, 1997 (62 FR 65673). On October 5, 1998, the Department issued its final determination that Barilla's importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention, with respect to the antidumping duty order on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225(b). See *Anti-circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order*, 63 FR 54672 (October 13, 1998).

(4) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the antidumping and countervailing duty orders. On May 24, 1999 we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the antidumping and countervailing duty orders. See Memorandum from John

Brinkmann to Richard Moreland, dated May 24, 1999, which is available in the CRU.

#### The following scope ruling is pending:

(5) On April 27, 2000, the Department self-initiated an anti-circumvention inquiry to determine whether Pagani's importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention, with respect to the antidumping and countervailing duty orders on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225(b). See *Certain Pasta from Italy: Notice of Initiation of Anti-circumvention Inquiry of the Antidumping and Countervailing Duty Orders*, 65 FR 26179 (May 5, 2000).

#### Determination to Revoke

On July 28, 1999, De Cecco submitted a request, pursuant to 19 CFR 351.222, that the Department revoke the antidumping duty order with respect to its sales of the subject merchandise. In accordance with 19 CFR 351.222(e), this request was accompanied by a certification that De Cecco had not sold the subject merchandise at less than NV for a period of three consecutive reviews, which included this review period, and that it sold the subject merchandise in commercial quantities to the United States during each of these three years. De Cecco also has stated that it would not sell the subject merchandise at less than NV to the United States in the future, and agreed to the reinstatement of the antidumping order with respect to its merchandise, as long as any exporter or producer is subject to the order, if the Department concludes that De Cecco sold the subject merchandise at less than NV.

In our preliminary results, in accordance with 19 CFR 351.222(f), we stated our intent to revoke in part the order for certain pasta from Italy as it pertains to De Cecco's sales of the subject merchandise. See *Preliminary Results*. No parties submitted comments on De Cecco's request for revocation.

Therefore, because De Cecco has made sales at not less than NV for three consecutive reviews in commercial quantities (see Memorandum from Jarrod Goldfeder to File, "Shipments of Pasta to the United States by De Cecco," dated July 31, 2000) and because there is no evidence on the record to indicate the likelihood of resumption of sales at dumped prices, we are revoking the antidumping duty order in part with respect to De Cecco's sales of the subject merchandise. See *Certain Welded Stainless Steel Pipe From Taiwan: Final Results of Antidumping Duty*

*Administrative Review and Determination To Revoke Order In Part*, 65 FR 39367 (June 26, 2000).

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the "Issues and Decision Memorandum for the Third Antidumping Duty Administrative Review" ("Decision Memorandum") from Holly A. Kuga, Acting Deputy Assistant Secretary for Import Administration, to Troy H. Cribb, Assistant Secretary for Import Administration, dated concurrently with this notice, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the *Decision Memorandum*, is attached to this notice as an Appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the CRU, room B-099 ("B-099") of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

#### Final Results of Review

As a result of our review, we determine that the following percentage weighted-average margins exist for the period July 1, 1998, through June 30, 1999:

Manufacturer/exporter	Margin (percent)
Corex .....	zero
De Cecco .....	0.22 ( <i>de minimis</i> )
La Molisana .....	5.26
Pagani .....	0.49 ( <i>de minimis</i> )
Pallante .....	0.08 ( <i>de minimis</i> )
PAM .....	5.04
Puglisi .....	0.07 ( <i>de minimis</i> )

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b), we have calculated exporter/importer-specific assessment rates by aggregating the dumping margins for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer. Where the importer-specific assessment rate is above *de minimis*, we will instruct Customs to assess antidumping duties on that importer's entries of subject merchandise. We will direct Customs to assess the resulting percentage margins against the entered Customs values for

the subject merchandise on each of that importer's entries under the order during the POR.

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of certain pasta from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates shown above, except where the margin is *de minimis* or zero we will instruct Customs not to collect cash deposits; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value ("LTFV") investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 11.26 percent, the "All Others" rate established in the LTFV investigation. See *Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta from Italy*, 61 FR 38547 (July 24, 1996). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) 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.

This notice also serves as a reminder to parties subject to administrative protective order ("APO") of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of 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.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 6, 2000.

**Troy H. Cribb,**

*Assistant Secretary for Import Administration.*

### Appendix—List of Comments and Issues in the Decision Memorandum

#### PAM

- Comment 1: Excluding certain sales from the database
- Comment 2: Model matching for unenriched pasta
- Comment 3: Selection of normal values
- Comment 4: Exchange rate conversion
- Comment 5: Level of trade methodology
- Comment 5A: General level of trade methodology
- Comment 5B: Inventory carrying cost
- Comment 5C: Freight and delivery
- Comment 6: Shape-based methodology
- Comment 7: Short-term borrowing rate
- Comment 8: Verification
- Comment 9: Sampling methodology
- Comment 10: Department of Commerce's release of data
- Comment 11: Constructed export price language in the margin program
- Comment 12: Administrative process
- Comment 13: Accuracy of final results
- Comment 14: Cost of production and constructed value data
- Comment 15: Weight-averaging methodology
- Comment 16: Disregarding sales below cost
- Comment 17: Misstated cost data
- Comment 18: Raw material cost
- Comment 19: Home market sales used in below-cost test
- Comment 20: Below-cost sales
- Comment 21: General and administrative expenses
- Comment 22: Financial expense rate

#### De Cecco

- Comment 23: Constructed export price offset and commission offset
- Comment 24: U.S. selling expenses
- Comment 25: Countervailing duty variable

#### La Molisana

- Comment 26: Treatment of negative net-U.S. prices
  - Comment 27: Total overall cost of production data for calculation of cost of production and constructed value
  - Comment 28: Ministerial Error
- [FR Doc. 00-31752 Filed 12-12-00; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-805]

#### Certain Pasta From Turkey: Preliminary Results of New Shipper Antidumping Duty Review

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

**ACTION:** Notice of preliminary results of new shipper antidumping duty review: Certain pasta from Turkey.

**SUMMARY:** In response to a request by a pasta producer and its affiliated exporter in Turkey, Beslen Makarna Gida Sanayi ve Ticaret A.S., and Beslen Pazarlarma Gida Sanayi ve Ticaret A.S., respectively (collectively "Beslen"), the Department of Commerce ("the Department") is conducting a new shipper review of the antidumping duty order on certain pasta from Turkey. The review covers sales during the period July 1, 1999 through December 31, 1999. We preliminarily determine that Beslen did not sell subject merchandise at less than normal value during the period of review.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** December 13, 2000.

**FOR FURTHER INFORMATION CONTACT:** Cindy Lai Robinson or James Terpstra, AD/CVD Enforcement, Office 6, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-3797, or 482-3965, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Applicable Statute and Regulations

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 Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations codified at 19 CFR part 351 (1999).

#### Case History

The Department published the antidumping duty order on certain pasta from Turkey on July 24, 1996 (61 FR 38545). On January 27, 2000, Beslen requested a new shipper review pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214.

On February 17, 2000, the Department initiated the new shipper review of

Beslen, and the notice of initiation was published on February 23, 2000 (65 FR 8949).

On February 17, 2000, we issued an antidumping questionnaire<sup>1</sup> to Beslen. Beslen submitted its sections A, B and C questionnaire response on March 27, 2000. The Department issued two supplemental section A through C questionnaires to Beslen on August 25 and September 22, 2000. Beslen submitted its responses to our supplemental questionnaires on September 18 and October 10, 2000, respectively.

On August 8, 2000, the Department published a notice postponing the preliminary results of this review until December 7, 2000 (65 FR 48477).

We verified the sales information submitted by Beslen from November 13 to 17, 2000.

#### Scope of the Review

Imports covered by this review are shipments 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 this review 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. Also excluded are imports of organic pasta from Turkey that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, or by QC&I International Services.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

<sup>1</sup> Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under review that it sells, and the sales of the merchandise in all of its markets. Sections B and C of the questionnaire request comparison market sales listings and U.S. sales listings, respectively.