

### International Trade Commission Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

### Preliminary Determination by the ITC

The ITC will determine, no later than July 16, 2001, whether there is a reasonable indication that imports of IQF red raspberries from Chile are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, these investigations will proceed according to statutory and regulatory time limits.

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: June 20, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01-16298 Filed 6-27-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-805]

### Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Pasta From Turkey

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

**ACTION:** Notice of preliminary results and partial rescission of antidumping duty administrative review

**SUMMARY:** In response to a request by the petitioners and two producers/exporters of the subject merchandise, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on certain pasta (pasta) from Turkey for the period July 1, 1999 through June 30, 2000.

We preliminarily determine that during the POR, Filiz Gida Sanayi ve Ticaret A.S. (Filiz) and Pastavilla Makarnacilik Sanayi ve Ticaret A.S. (Pastavilla) sold subject merchandise at less than normal value (NV). If these preliminary results are adopted in the final results of this administrative review, we will instruct the U.S. Customs Service to assess antidumping duties based on the difference between the export price (EP) and NV.

Interested parties are invited to comment on these preliminary results.

Parties who submit comments in this proceeding should also submit with them: (1) A statement of the issues; (2) a brief summary of their comments; and (3) a table of authorities. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette.

**EFFECTIVE DATE:** June 28, 2001.

### FOR FURTHER INFORMATION CONTACT:

James Terpstra or Lyman Armstrong, 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) 482-3965 or (202) 482-3601, respectively.

### SUPPLEMENTARY INFORMATION:

### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department regulations refer to the regulations codified at 19 CFR part 351 (2000).

### Case History

On July 24, 1996, the Department published in the **Federal Register** the antidumping duty order on pasta from Turkey (61 FR 38545). On July 20, 2000, we published in the **Federal Register** the notice of "Opportunity to Request an Administrative Review" of this order, for the period July 1, 1999, through June 30, 2000 (65 FR 45035).

From July 20 to July 31, 2000, we received requests for review from Borden Foods Corporation (Borden), which is an affiliate of Borden Inc., a petitioner<sup>1</sup> in the case, from New World Pasta<sup>2</sup>, and from individual Turkish exporters/producers of pasta, in accordance with 19 CFR 351.213(b)(2). In all, requests were made to review four Turkish companies. On September 6, 2000, we published the notice of initiation of this antidumping duty administrative review covering the

<sup>1</sup> The petitioners are Borden Inc., Hershey Foods Corp. (Hershey Pasta), Grocery Corp Inc., and Gooch Foods, Inc. (effective January 1, 1999, Hershey Pasta and Grocery Corp. Inc. became New World Pasta, Inc.).

<sup>2</sup> See letter from Collier Shannon Scott dated July 31, 2000, submitted on behalf of Borden and New World Pasta, on file in room B-099 of the Department's main building. On September 7, 2000, Collier Shannon Scott submitted a letter stating that its July 31, 2000 letter should have been on behalf of New World Pasta alone, because Borden had submitted its own letter.

period July 1, 1999 through June 30, 2000, for Filiz, Pastavilla, Beslen Makarna Gida Sanayi ve Ticaret A.S. and its affiliate, Beslen Pazarlarma Gida Sanayi ve Ticaret A.S. (collectively Beslen), and Maktas Makarnacilik ve Ticaret A.S. (Maktas). See Notice of Initiation, 65 FR 53980 (September 6, 2000).

On September 6, 2000, Borden withdrew its request for certain companies enumerated in its original letter. Of the four companies named in the *Initiation Notice*, we are rescinding a review of one company, Maktas, because Borden withdrew its request and there was no request from any other interested party. See Memorandum from Melissa G. Skinner to Bernard Carreau, "Partial Rescission of Antidumping Duty Administrative Review" dated June 21, 2001 (Partial Rescission Memo) and the *Partial Rescission* section below.

On September 13, 2000, we sent questionnaires to the remaining three companies for which we initiated the review: (1) Filiz; (2) Pastavilla; and (3) Beslen.

For Pastavilla and Filiz, the Department disregarded sales that failed the cost test during the most recently completed segment of the proceeding in which these companies participated. Therefore, pursuant to section 773(b)(2)(A)(ii) of the Act, we had reasonable grounds to believe or suspect that sales by these companies of the foreign like product under consideration for the determination of NV in this review were made at prices below the cost of production (COP). Therefore, we initiated cost investigations on Pastavilla and Filiz at the time we initiated the antidumping review.

On September 21, 2000, Filiz stated that it had no U.S. entries or sales during the POR prior to January 1, 2000, and therefore requested that, for purposes of reporting home market sales and cost data, the POR be shortened to the six-month period from January 1 through June 30, 2000. Accordingly, on October 5, 2000, we informed Filiz that it could limit its reporting of home market data to the period January 1 through June 30, 2000. In that letter we also advised Filiz that if it elected to limit its reporting of home market cost data to the six-month period, in the sales-below-cost investigation, it would forego the application of the "recovery of cost" test pursuant to section 773(b)(2)(D) of the Act.

Filiz and Pastavilla submitted their section A questionnaire responses on October 4, 2000, and sections B through D on November 3, 2000.

The Department issued supplemental sections A through C questionnaires to

Pastavilla and Filiz on November 16, and November 28, 2000, respectively. Pastavilla submitted its response to our supplemental questionnaire on November 30, 2000. We received Filiz's response to our supplemental questionnaire on December 18, 2000.

The Department issued supplemental section D questionnaires to Pastavilla and Filiz on January 25, 2001. We received responses from both parties on February 8, 2001.

On January 30, 2001, the Department published a notice postponing the preliminary results of this review until June 21, 2001 (66 FR 8198).

The Department issued a second supplemental sections A through D questionnaire to Filiz on March 26, 2001. We received Filiz's response to our supplemental questionnaire on April 19, 2001.

We verified the sales information submitted by Pastavilla from April 23–27, 2001.

#### **Partial Rescission of Antidumping Duty Administrative Review**

On September 6, 2000, Borden withdrew its request for a review of Maktas. Because there were no other requests for review for Maktas, and because Borden's letter withdrawing its request was timely filed, we are rescinding the review with respect to Maktas in accordance with 19 CFR 351.213(d)(1).

On October 3, 2000, Beslen submitted a letter stating that it had no shipments of scope merchandise during the POR. We verified this through data from the U.S. Customs Service. In accordance with 19 CFR 351.213(d)(3), we are preliminarily rescinding our review of Beslen since it made no sales or shipments of subject merchandise during the review period.

#### **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, 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.

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 description of the merchandise subject to the order is dispositive.

#### **Scope Rulings**

The Department has issued the following scope ruling to date:

(1) 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, in the case file in the Central Records Unit, main Commerce building, room B-099 (the CRU).

#### **Verification**

As provided in section 782(i) of the Act, we verified sales information provided by Pastavilla. We used standard verification procedures, including on-site inspection of the manufacturer's facilities and examination of relevant sales and financial records. Our verification results are outlined in a verification report placed in the case file in the CRU. We revised certain sales and cost data based on verification findings. See the company-specific verification report and calculation memorandum.

#### **Product Comparisons**

In accordance with section 771(16) of the Act, the Department first attempted to match contemporaneous sales of products sold in the U.S. and comparison markets that were identical with respect to the following characteristics: (1) Pasta shape; (2) type of wheat; (3) additives; and (4) enrichment. Where there were no sales of identical merchandise in the home market to compare with U.S. sales, we compared U.S. sales with the most similar product based on the characteristics listed above, in descending order of priority.

For purposes of the preliminary results, where appropriate, we have calculated the adjustment for

differences in merchandise based on the difference in the variable cost of manufacturing between each U.S. model and the most similar home market model selected for comparison.

#### **Comparisons to Normal Value**

To determine whether sales of certain pasta from Turkey were made in the United States at less than fair value, we compared the export price (EP) to the normal value (NV), as described in the *Export Price* and *Normal Value* sections of this notice. Because Turkey's economy experienced high inflation during the POR (over 60 percent), as is Department practice, we limited our comparisons to home market sales made during the same month in which the U.S. sale occurred and did not apply our 90/60 contemporaneity rule. See, e.g., Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Pasta From Turkey, 63 FR 68429, 68430 (December 11, 1998) and Certain Porcelain on Steel Cookware from Mexico: Final Results of Antidumping Duty Administrative Review, 62 FR 42496, 42503 (August 7, 1997). This methodology minimizes the extent to which calculated dumping margins are overstated or understated due solely to price inflation that occurred in the intervening time period between the U.S. and home market sales.

#### **Export Price**

For the price to the United States, we used EP in accordance with section 772(a) of the Act because the merchandise was sold by the producer or exporter outside the United States to the first unaffiliated purchaser in the United States prior to importation and constructed export price was not otherwise warranted based on the facts on the record. We based EP on the packed C&F and FOB prices to the first unaffiliated customer in the United States.

In accordance with section 772(c)(2) of the Act, we made deductions, where appropriate, for movement expenses including inland freight from plant or warehouse to port of exportation, insurance, foreign brokerage handling and loading charges, and international freight. In addition, we increased the EP by the amount of the countervailing duties paid that were attributable to an export subsidy, in accordance with section 772(c)(1)(C).

#### **Normal Value**

##### *A. Selection of Comparison Markets*

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 its U.S. sales of the subject merchandise. Pursuant to section 773(a)(1)(B) of the Act, because each respondent's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable for both producers.

#### B. Arm's Length Test

Sales to affiliated customers for consumption in the home market which were determined not to be at arm's length were excluded from our analysis. To test whether these sales were made at arm's length, we compared the prices of sales of comparison products to affiliated and unaffiliated customers, net of all movement charges, direct selling expenses, discounts, rebates, and packing. Pursuant to 19 CFR 351.403(c) and in accordance with our practice, where the prices to the affiliated party were on average less than 99.5 percent of the prices to unaffiliated parties, we determined that the sales made to the affiliated party were not at arm's length. See, e.g., Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Roller Chain, Other Than Bicycle, From Japan, 62 FR 60472, 60478 (November 10, 1997), and Antidumping Duties; Countervailing Duties: Final Rule (Antidumping Duties), 62 FR 27295, 27355-56 (May 19, 1997). We included in our NV calculations those sales to affiliated customers that passed the arm's-length test in our analysis. See 19 CFR 351.403; Antidumping Duties, 62 FR at 27355-56.

#### C. Cost of Production Analysis

##### 1. Calculation of COP

Before making any comparisons to NV, we conducted a COP analysis, pursuant to section 773(b) of the Act, to determine whether each respondent's comparison market sales were made below the COP. We calculated the COP based on the sum of the cost of materials and fabrication for the foreign like product, plus amounts for selling, general, and administrative expenses (SG&A) and packing, in accordance with section 773(b)(3) of the Act. We relied on the respondents' information as submitted, except in instances where we used revised data based on verification findings. See the company-specific calculation memoranda on file in the

CRU, for a description of any changes that we made.

As noted above, we determined that the Turkish economy experienced high inflation during the POR. Therefore, to avoid the distortive effect of inflation on our comparison of costs and prices, we requested that each respondent submit the product-specific cost of manufacturing (COM) incurred during each month of the period for which it reported home market sales. We then calculated an average COM for each product after indexing the reported monthly costs to an equivalent currency level using the Turkish wholesale price index from the International Financial Statistics published by the International Monetary Fund (IMF). We then restated the average COM in the currency value of each respective month. Because Filiz limited its reporting of home market sales to a six-month period we requested that it submit product-specific COM incurred during each month of the six-month period and made our calculations on that basis.

##### 2. Test of Comparison Market Prices

As required under section 773(b) of the Act, for Pastavilla and Filiz, we compared the weighted-average COP to the weighted-average per unit price of the comparison market sales of the foreign like product, to determine whether their respective sales had been made at prices below the COP within an extended period of time in substantial quantities. Since Filiz limited its reporting of home market cost data to a six-month period, we did not conduct an analysis to determine whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. For each respondent, we determined the net comparison market prices for the below-cost test by subtracting from the gross unit price any applicable movement charges, discounts, rebates, direct and indirect selling expenses (also subtracted from the COP), and packing expenses. We added interest revenue.

##### 3. Results of COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of 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 Pastavilla's sales of a given product during the twelve-month period were at prices less than the COP, we determined such sales to have been made in "substantial quantities" within an extended period of time in accordance

with section 773(b)(2)(B) and (C) of the Act. In such cases, because we compared prices to POR-average costs (indexed for inflation), we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. For Filiz, where 20 percent or more of the sales of a given product during its six-month period were at prices less than the COP, we determined such sales to have been made in "substantial quantities" within an extended period of time. Because of the limited six-month reporting period used by Filiz, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. Therefore, for purposes of this administrative review, for both companies we disregarded the below-cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act.

#### D. Calculation of Normal Value Based on Comparison Market Prices

We calculated NV based on ex-works, FOB or delivered prices to comparison market customers. We made deductions from the starting price for inland freight, inland insurance, discounts, and rebates. In accordance with sections 773(a)(6)(A) and (B) of the Act, we added U.S. packing costs and deducted comparison market packing costs, respectively. In addition, we made circumstance of sale adjustments for direct expenses, including imputed credit, advertising, promotions, billing adjustments, and warranties, in accordance with section 773(a)(6)(C)(iii) of the Act.

When comparing U.S. sales with comparison market sales of similar, but not identical, merchandise, we also made adjustments for physical differences in the merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. Pursuant to § 351.411 of the Department's regulations, we based this adjustment on the difference in the variable COM for the foreign like product and subject merchandise, using twelve-month average costs (six-month average costs for Filiz), as adjusted for inflation for each month of the twelve-month period (six-month period for Filiz), as described in the *Cost of Production Analysis* section above.

#### E. Level of Trade (LOT)

In accordance with section 773(a)(1)(B) of the Act, we determined NV based on sales in the comparison

market at the same LOT as the U.S. EP sales, to the extent practicable. When there were no sales at the same LOT, we compared U.S. sales to comparison market sales at a different LOT.

Pursuant to § 351.412 of the Department's regulations, to determine whether comparison market sales were at a different LOT, we examined stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated (or arm's length) customers. If the comparison-market sales were at a different LOT and the differences affected price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we made a LOT adjustment under section 773(a)(7)(A) of the Act.

Filiz had no home market sales at the same LOT. Consequently, we could not match EP sales to sales at the same LOT in the home market. Nor could we determine a LOT adjustment. Therefore, we made no LOT adjustment.

For Pastavilla, all EP sales were compared to home market sales at the same LOT. Therefore, no LOT adjustment was necessary.

For a detailed description of our LOT methodology and a summary of company-specific LOT findings for these preliminary results, see the June 21, 2001, "99/00 Administrative Review of Pasta from Italy and Turkey: Level of Trade Findings Memorandum" on file in the CRU.

#### Intent Not To Revoke

On July 24 2000, Pastavilla submitted a letter to the Department requesting, pursuant to 19 CFR 351.222(b), revocation of the antidumping duty order with respect to its sales of the subject merchandise.

The Department "may revoke, in whole or in part" an antidumping duty order upon completion of a review under section 751 of the Act. While Congress has not specified the procedures that the Department must follow in revoking an order, the Department has developed a procedure for revocation that is described in 19 CFR 351.222. This regulation requires, *inter alia*, that one or more exporters and producers covered by the order submit the following: (1) A certification that the company has sold the subject merchandise at not less than NV in the current review period and that the company will not sell at less than NV in the future; (2) a certification that the company sold the subject merchandise in each of the three years forming the basis of the request in commercial

quantities; and (3) an agreement to immediate reinstatement of the order if the Department concludes that the company, subsequent to the revocation, has sold subject merchandise at less than normal value. See 19 CFR 351.222(e)(1). Upon receipt of such a request, the Department will consider the following in determining whether to revoke the order in part: (1) Whether the producer or exporter requesting revocation has sold subject merchandise at not less than NV for a period of at least three consecutive years; (2) whether continued application of the AD order is otherwise necessary to offset dumping; and (3) whether the producer or exporter requesting revocation in part has agreed in writing to the immediate reinstatement of the order, as long as any exporter or producer is subject to the order, if the Department concludes that the exporter or producer, subsequent to revocation, sold the subject merchandise at less than NV. See 19 CFR 351.222(b)(2).

In its July 24, 2000 request for revocation in part, Pastavilla submitted the required certifications and agreement. Based on the preliminary results in this review and the final results of the two preceding reviews, Pastavilla has not had zero or *de minimis* dumping margins for three consecutive reviews.

Because the requirements under the regulation have not been satisfied, if these preliminary findings are affirmed in our final results, we do not intend to revoke the antidumping duty order with respect to merchandise produced and exported by Pastavilla.

#### Currency Conversion

Because this proceeding involves a high-inflation economy, we limited our comparison of U.S. and home market sales to those occurring in the same month (as described above) and only used daily exchange rates. See Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Pasta From Turkey, 63 FR 68429 (December 11, 1998).

The Department's preferred source for daily exchange rates is the Federal Reserve Bank. However, the Federal Reserve Bank does not track or publish exchange rates for the Turkish Lira. Therefore, we made currency conversions based on the daily exchange rates from the Dow Jones Service, as published in the Wall Street Journal.

#### Preliminary Results of Review

As a result of our review, we preliminarily determine that the following percentage weighted-average

margins exist for the period July 1, 1999 through June 30, 2000:

Manufacturer/exporter	Margin (percent)
Filiz .....	3.59
Pastavilla .....	1.90

The Department will disclose the calculations performed within five days of the date of publication of this notice to the parties of this proceeding in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of these preliminary results. See 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results of review. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue, (2) a brief summary of the argument and (3) a table of authorities. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, or at a hearing, if requested, within 120 days of publication of these preliminary results.

#### Assessment Rate

Pursuant to 19 CFR 351.212(b), the Department calculated an assessment rate for each importer of the subject merchandise. Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (i.e., at or above 0.5 percent) the Department will issue appraisal instructions directly to the U.S. Customs Service to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. For assessment purposes, we calculated importer-specific assessment rates for the subject merchandise 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 appropriate, in order to calculate the entered value, we

subtracted international movement expenses (e.g., international freight) from the gross sales value.

### Cash Deposit Requirements

To calculate the cash-deposit rate for each producer and/or exporter included in this administrative review, we divided the total dumping margins for each company by the total net value for that company's sales during the review period.

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of certain pasta from Turkey entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for the companies listed above will be the rates established in the final results of this review; (2) for previously reviewed or investigated companies, the cash deposit rate will continue to be the company-specific rate published for the most recent final results in which that manufacturer or exporter participated; (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 final results for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 51.49 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 Turkey, 61 FR 38546 (July 24, 1996).

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

### Notification to Importers

This notice serves as a preliminary 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 double antidumping duties.

This administrative review is issued and published in accordance with

sections 751(a)(1) and 777(i)(1) of the Act.

Dated: June 21, 2001.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 01-16299 Filed 6-27-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818]

#### 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

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

**ACTION:** Notice of preliminary results and partial rescission of antidumping duty administrative review and intent to revoke the antidumping duty order in part.

**SUMMARY:** In response to requests by interested parties, the Department of Commerce ("the Department") is conducting an administrative review of the antidumping duty order on certain pasta ("pasta") from Italy for the period July 1, 1999 through June 30, 2000.

We preliminarily determine that during the POR, (1) Barilla G.e.R. F.lli S.p.A. ("Barilla"), (2) Delverde S.p.A. and its affiliate, Tamma Industrie Alimentari di Capitanata, S.r.L. (collectively, "Delverde"), (3) Pastificio Guido Ferrara S.r.l. ("Ferrara"), (4) Pastificio Antonio Pallante S.r.l. and its affiliate Industrie Alimentari Molisane S.r.l. (collectively, "Pallante"), (5) P.A.M., S.r.l. and its affiliate Liguori (collectively, "PAM"), and (6) Pastificio Riscossa F.lli Mastromauro S.r.l. ("Riscossa") sold subject merchandise at less than normal value ("NV"). If these preliminary results are adopted in the final results of this administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between the export price ("EP") or constructed export price ("CEP") and NV.

We preliminarily determine that during the POR, (1) Commercio-Rappresentanze-Export S.p.A. ("Corex"), (2) Pastificio F.lli Pagani S.p.A. ("Pagani"), (3) N. Puglisi & F. Industria Paste Alimentari S.p.A. ("Puglisi"), and (4) Rummo S.p.A. Molino e Pastificio ("Rummo") did not make sales of the subject merchandise at less than NV (i.e., made sales at "zero"

or de minimis dumping margins). If these preliminary results are adopted in the final results of this administrative review, we will instruct the U.S. Customs Service to liquidate appropriate entries without regard to antidumping duties. Also, if these preliminary results are adopted in our final results of this administrative review, we intend to revoke the antidumping duty order with respect to Puglisi and Corex, based on three years of sales at not less than NV. See "Intent to Revoke" section of this notice.

Interested parties are invited to comment on these preliminary results. Parties who submit comments in this proceeding should also submit with them: (1) A statement of the issues; (2) a brief summary of the comments; and (3) a table of authorities. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette.

**EFFECTIVE DATE:** July 28, 2001.

#### FOR FURTHER INFORMATION CONTACT:

James Terpstra or Geoffrey Craig, 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) 482-3965 or (202) 482-4161, respectively.

#### SUPPLEMENTARY INFORMATION:

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 ("the Act") by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department regulations refer to the regulations codified at 19 CFR part 351 (2000).

#### Case History

On July 24, 1996, the Department published in the **Federal Register** the antidumping duty order on pasta from Italy (61 FR 38547). On July 20, 2000, we published in the **Federal Register** the notice of "Opportunity to Request an Administrative Review" of this order, for the period July 1, 1999 through June 30, 2000 (65 FR 45035).

From July 13 to July 31, 2000, we received requests for review from the Borden Foods Corporation ("Borden"), which is an affiliate of Borden Inc., a petitioner<sup>1</sup> in the case, from New World

<sup>1</sup> The petitioners are Borden Inc., Hershey Foods Corp. ("Hershey Pasta"), Grocery Corp. Inc., and