

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 countervailing duty order. (See May 24, 1999, memorandum from John Brinkman to Richard Moreland, which is on file in the Central Records Unit ("CRU") in Room B-099 of the main Commerce building.)

**Background**

On June 1, 2001, the Department initiated a sunset review of the countervailing duty orders on pasta from Turkey, pursuant to section 751(c) of the Act (66 FR 29771). The Department received a notice of intent to participate on behalf of New World Pasta, American Italian Pasta Company, Borden Foods Corporation, and Dakota Growers Pasta Company (collectively, "the domestic interested parties"), on June 15, 2001, within the applicable deadline specified in section 351.218(d)(1)(i) of the Sunset Regulations. Pursuant to section 771(9)(C) of the Act, the domestic interested parties claimed interested party status as producers of certain pasta. In addition, the domestic interested parties assert that most of the domestic interested parties participated in the original investigation and the scope clarification proceeding.<sup>1</sup> On June 29, 2001, we received a request for extension of time to file substantive responses and rebuttal comments from the domestic interested parties.<sup>2</sup> The Department received a complete substantive response from the domestic interested parties on July 16, 2001. The Department did not receive substantive responses from any respondent interested party in this proceeding.<sup>3</sup> As a result, pursuant to 19 CFR

<sup>1</sup> See Substantive Response by the Domestic Industry, Sunset Review of the Countervailing Duty Order on Certain Pasta from Turkey, July 2, 2001, at 4.

<sup>2</sup> On June 29, 2001, the Department received a letter on behalf of the domestic interested parties regarding request for additional time to file substantive and rebuttal comments in this sunset review. On June 29, 2001, the Department granted the extension to the domestic parties and to all participants. Pursuant to 19 CFR 351.302(b), the deadline for all parties filing substantive responses was extended to July 16, 2001.

Pursuant to 19 CFR 351.218(d)(4), the time for filing rebuttal comments was therefore extended to July 23, 2001 for all parties. In this review, no rebuttal briefs were filed.

<sup>3</sup> On June 20, 2001, the Department received a letter from the Government of Turkey ("GOT") regarding its interest in participating in the sunset proceeding regarding the countervailing duty order on certain pasta from Turkey. However, the Department did not receive a substantive response from the GOT.

351.218(e)(2)(ii)(C), the Department determined to conduct an expedited, 120-day, sunset review of the countervailing duty order on pasta from Turkey.<sup>4</sup>

**Analysis of Comments Received**

All issues raised by parties to this sunset review are addressed in the Issues and Decision Memorandum ("Decision Memorandum") from Jeffrey A. May, Director, Office of Policy, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, dated October 1, 2001, which is hereby adopted by this notice. The issues discussed in the Decision Memorandum include the likelihood of continuation or recurrence of countervailing subsidies and the net subsidy likely to prevail were the order revoked. 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 Central Records Unit, room B-099, of the main Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>, under the heading "October 2001." The paper copy and electronic version of the Decision Memorandum are identical in content.

**Final Results of Review**

We determine that revocation of the countervailing duty order on pasta from Turkey would likely lead to continuation or recurrence of a countervailable subsidy at the rates listed below:

TURKEY	
Manufacturer/producer/exporters	Net Countervailable subsidy
Filiz .....	3.87
Maktas .....	13.12
Oba .....	15.82
All Other (manufacturers/producers/exporters) .....	9.70

**Nature of the Subsidies**

Five of the programs included in the calculations of the net countervailable subsidy likely to prevail if the order were revoked fall within the definition of an export subsidy under Article 3.1(a) of the Subsidies Agreement. They are: Pre-Shipment Export Loans, Pasta

<sup>4</sup> See July 23, 2001, Letter from Jeffrey A. May, Director, Office of Policy, to Lynn Featherstone, Director, Office of Investigations, International Trade Commission, regarding Pasta from Turkey: Expedited Sunset Reviews of Antidumping and Countervailing Duty Orders.

Export Grants, Free Wheat Program, Payment for Exports on Turkish Ships/State Aid for Exports, and Tax Exemption Based on Export Earnings.

This notice serves as the only 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 of the Department's regulations. 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.

This five-year ("sunset") review and notice are in accordance with sections 751(c), 752, and 777(i)(1) of the Act.

Dated: October 1, 2001.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

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**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Export Trade Certificate of Review**

**ACTION:** Notice of issuance of an Export Trade Certificate of Review, Application No. 01-00004.

**SUMMARY:** The Department of Commerce has issued an Export Trade Certificate of Review to International Trading Group, LLC ("ITG"). This notice summarizes the conduct for which certification has been granted.

**FOR FURTHER INFORMATION CONTACT:** Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131 (this is not a toll-free number) or E-mail at [oetca@ita.doc.gov](mailto:oetca@ita.doc.gov).

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR Part 325 (2000).

The Office of Export Trading Company Affairs ("OETCA") is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of the Certification in the **Federal Register**. Under section 305 (a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice,

bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

### Description of Certified Conduct

#### Export Trade

##### 1. Products

All products.

##### 2. Services

All services.

##### 3. Technology Rights

All intellectual property rights associated with Products or Services, including, but not limited to: Patents, trademarks, copyrights, and trade secrets that relate to Products and Services.

##### 4. Export Trade Facilitation Services (as they Relate to the Export of Products, Services and Technology Rights)

Export Trade Facilitation Services, including, but not limited to: professional services in the areas of government relations and assistance with state and federal export programs; foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; documentation and services related to compliance with customs requirements; insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions; organizational development; management and labor strategies; transfer of technology; transportation; and facilitating the formation of shippers' associations.

#### Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

#### Export Trade Activities and Methods of Operation

ITG may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in the Export Market;
3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;

4. Enter into exclusive or non-exclusive sales agreements with Suppliers, Export Intermediaries, or other persons for the sale of Products and Services in Export Markets;

5. Enter into exclusive or non-exclusive agreements with Suppliers, Export Intermediaries, or other persons for licensing Technology Rights in Export Markets;

6. Allocate the sales, export orders and/or divide Export Markets among Suppliers, Export Intermediaries, or other persons for the sale of Products and Services;

7. Allocate the licensing of Technology Rights in Export Markets among Suppliers, Export Intermediaries, or other persons;

8. Establish the price of Products and Services for sale in Export Markets;

9. Establish the fee for licensing of Technology Rights in Export Markets; and

10. Negotiate, enter into, and/or manage licensing agreements for the export of Technology Rights.

#### Terms and Conditions of Certificate

1. In engaging in Export Trade Activities and Methods of Operation, ITG will not intentionally disclose, directly or indirectly, to any Supplier any information about any other Supplier's costs, production, capacity, inventories, domestic prices, domestic sales, or U.S. business plans, strategies, or methods that is not already generally available to the trade or public.

2. ITG will comply with requests made by the Secretary of Commerce on behalf of the Secretary or the Attorney General for information or documents relevant to conduct under the Certificate. The Secretary of Commerce will request such information or documents when either the Attorney General or the Secretary of Commerce believes that the information or documents are required to determine that the Export Trade, Export Trade Activities and Methods of Operation of a person protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act.

#### Definitions

1. "Export Intermediary" means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. "Supplier" means a person who produces, provides, or sells a Product and/or Service.

A copy of this certificate will be kept in the International Trade

Administration's Freedom of Information Records Inspection Facility Room 4102, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Dated: October 1, 2001.

**Vanessa M. Bachman,**

*Acting Director, Office of Export Trading, Company Affairs.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D 100201B]

#### Proposed Information Collection; Comment Request; Gear-Marking Requirement for Atlantic Large Whale Take Reduction Plan

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).  
**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).  
**DATES:** Written comments must be submitted on or before December 4, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patricia Lawson, F/PR2, Room 13754, 1315 East-West Highway, Silver Spring MD 20910-3282 (phone 301-713-2322, ext. 129).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The purpose of this proposed collection of information is to enable NOAA to reduce entanglements of large whales, especially right whales, in U.S. commercial fishing gear. Persons setting lobster trap/pot or gillnet gear in some areas of the Atlantic Ocean would be required to paint or otherwise mark their gear with two color codes, one