

deposit rate applicable to a company can no longer change, except pursuant to a request for a review of that company. See *Federal-Mogul Corporation and the Torrington Company v. United States*, 822 F. Supp. 782 (CIT 1993); *Floral Trade Council v. United States*, 822 F. Supp. 766 (CIT 1993). Therefore, the cash deposit rates for all companies except those covered by this review will be unchanged by the results of this review.

We will instruct Customs to continue to collect cash deposits for non-reviewed companies at the most recent company-specific or country-wide rate applicable to the company. Accordingly, the cash deposit rates that will be applied to non-reviewed companies covered by this order will be the rate for that company established in the most recently completed administrative proceeding conducted under the Act, as amended by the URAA. If such a review has not been conducted, the rate established in the most recently completed administrative proceeding, pursuant to the statutory provisions that were in effect prior to the URAA amendments, is applicable. See *Cotton Shop Towels From Pakistan: Final Results of Countervailing Duty Administrative Reviews*, 62 FR 24082 (May 2, 1997). These rates shall apply to all non-reviewed companies until a review of a company assigned these rates is requested. In addition, for the period January 1, 2000, through December 31, 2000, the assessment rates applicable to all non-reviewed companies covered by this order are the cash deposit rates in effect at the time of entry.

This notice 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 written 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 administrative review and notice are in accordance with section 751(a)(1) and 777(i)(1) of the Act.

Dated: August 6, 2002.

**Faryar Shirzad**,  
Assistant Secretary for Import  
Administration.

#### Appendix I - Issues Discussed in Decision Memorandum

<http://ia.ita.doc.gov>, under the heading ("Federal Register Notices").

#### Methodology and Background Information

##### I. Use of Facts Available

##### II. Analysis of Programs

##### A. Programs Conferring Subsidies

1. Export Finance Scheme
2. Sales Tax Rebate Program
3. Customs Duty Rebate Program

##### B. Program Determined Not to Confer a Benefit

1. Income Tax Reduction on Export Income Program

##### III. Programs Determined To Be Not Used

- A. Rebate of Excise Duty
- B. Export Credit Insurance
- C. Import Duty Rebates

##### IV. Total Ad Valorem Rate

##### V. Analysis of Comments

Comment 1 - Export Finance Scheme

Comment 2 - Customs Duty Rebate Program

Comment 3 - Sales Tax Rebate Program

Comment 4 - EFS Benefits Attributed to Cross-Owned Companies

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[C-475-819]

#### Certain Pasta from Italy: Final Results of the Fifth Countervailing Duty Administrative Review

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

**ACTION:** Notice of Final Results of Countervailing Duty Administrative Review.

**SUMMARY:** On April 8, 2002, the Department of Commerce published in the Federal Register its preliminary results of the fifth administrative review of the countervailing duty order on certain pasta from Italy for the period January 1 through December 31, 2000.

We have made no changes to our preliminary findings as a result of either our analysis of the comments received or of any new information or evidence

of changed circumstances. Therefore, the final results do not differ from the preliminary results of this review.

**EFFECTIVE DATE:** August 12, 2002.

**FOR FURTHER INFORMATION CONTACT:** Craig Matney, Audrey Twyman, or Stephen Cho, AD/CVD Enforcement, Group I, Office 1, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-1778, 482-3534, or 482-3798, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act ("URAA"), effective January 1, 1995 ("the Act"). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR 351 *et seq.* (2002).

#### Background

On July 24, 1996, the Department of Commerce ("the Department") published in the **Federal Register** (61 FR 38544) the countervailing duty order on certain pasta from Italy.

In accordance with 19 CFR 351.213(b), this review of the order covers the following producers or exporters of the subject merchandise for which a review was specifically requested: F.lli De Cecco di Filippo Fara S. Martino S.p.A. ("De Cecco"); Delverde S.p.A. ("Delverde"); Italian American Pasta Company, S.r.L. ("IAPC"); and Labor S.r.L. ("Labor").

Based on withdrawal of the request for review, we rescinded this administrative review for N. Puglisi & F. Industria Paste Alimentari S.p.A. ("Puglisi"). (See, *Certain Pasta from Italy: Preliminary Results and Partial Rescission of Countervailing Duty Administrative Review*, 67 FR 16722 (April 8, 2002) ("Preliminary Results").

Since the publication of the *Preliminary Results*, a case brief was submitted on May 8, 2002, by Delverde. The Department did not conduct a hearing in this review because none was requested.

#### 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. Also excluded are imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, Bioagricoop Scrl, QC&I International Services, Ecocert Italia, Consorzio per il Controllo dei Prodotti Biologici, Associazione Italiana per l'Agricoltura Biologica, or Codex S.r.L.

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 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 countervailing duty order. (See August 25, 1997, memorandum from Edward Easton to Richard Moreland, which is on file in the Central Records Unit ("CRU") in Room B-099 of the main Commerce building.)

(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 countervailing duty order. (See July 30, 1998, letter from Susan H. Kuhbach, Acting Deputy Assistant Secretary for Import Administration, to Barbara P. Sidari, Vice President, Joseph A. Sidari Company, Inc., which is on file in the CRU.)

(3) 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 may be within the scope of the countervailing duty order. 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 Brinkmann to Richard Moreland, which is on file in the CRU.)

**Period of Review**

The period of review ("POR") for which we are measuring subsidies is from January 1 through December 31, 2000.

**Analysis of Comments Received**

All issues raised in the case brief by the interested party to this administrative review are addressed in the August 6, 2002, *Issues and Decision Memorandum* ("Decision Memorandum") from Richard W. Moreland, Deputy Assistant Secretary, Import Administration, to Faryar Shirzad, Assistant Secretary for Import Administration, which is hereby adopted by this notice. Attached to this notice as Appendix I is a list of the issues which parties have raised and to which we have responded in the *Decision Memorandum*. 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 of the Department. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Internet at <http://ia.ita.doc.gov/frn/> under the heading "Italy." The paper copy and electronic version of the *Decision Memorandum* are identical in content.

**Changes Since the Preliminary Results**

We have made no changes to our preliminary findings as a result of either our analysis of the comments received or of any new information or evidence of changed circumstances. Therefore, the final results do not differ from the preliminary results of this review.

**Final Results of Review**

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for each producer/exporter subject to this administrative review. For the period January 1 through December 31, 2000, we determine the net subsidy rates for producers/exporters under review to be those specified in the chart shown below.

Company	Ad valorem rate
F.lli De Cecco di Filippo Fara San Martino, S.p.A. ....	1.90 percent

Company	Ad valorem rate
Delverde S.p.A. ....	2.83 percent
Italian American Pasta Company, S.r.L. ....	0.00 percent
Labor, S.r.L. ....	1.57 percent

We will instruct the U.S. Customs Service ("Customs") to assess countervailing duties as indicated above. The Department will also instruct Customs to collect cash deposits of estimated countervailing duties in the percentage detailed above of the f.o.b. invoice prices on all shipments of the subject merchandise from the producers/exporters under review, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

The cash deposit rates for all companies not covered by this review are not changed by the results of this review. Thus, we will instruct Customs to continue to collect cash deposits for non-reviewed companies, except Barilla G. e R. F.lli S.p.A. ("Barilla") and Gruppo Agricoltura Sana S.r.L. ("Gruppo") (which were excluded from the order during the investigation), at the most recent rate applicable to the company. These rates shall apply to all non-reviewed companies until a review of the companies assigned these rates is completed. In addition, for the period January 1 through December 31, 2000, the assessment rates applicable to all non-reviewed companies covered by these orders are the cash deposit rates in effect at the time of entry.

This notice 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 351.301. Timely written notification of return or 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 administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)).

DATED: August 6, 2002.

**Faryar Shirzad,**  
Assistant Secretary for Import Administration.

**Appendix I Issues discussed in the Decision Memorandum**

- I. Subsidies Valuation Methodology
  - 1. Change in Ownership
  - 2. Benchmarks for Long-term Loans and Discount Rates

3. Allocation Period
4. Attribution

## II. Analysis of Programs

### A. Programs Previously Determined to Confer Subsidies

1. Law 64/86 Industrial Development Grants
2. Law 488/92 Industrial Development Grants
3. Industrial Development Loans Under Law 64/86
4. Law 341/95 Interest Contributions on Debt Consolidation Loans
5. Social Security Reductions and Exemptions - Sgravi
6. IRAP Exemptions
7. Law 304/90 Export Marketing Grants
8. Export Restitution Payments
9. IRPEG Exemptions

### B. Programs Determined to Be Not Used

1. Law 64/86 VAT Reductions
2. Export Credits under Law 227/77
3. Capital Grants under Law 675/77
4. Retraining Grants under Law 675/77
5. Interest Contributions on Bank Loans under Law 675/77
6. Interest Grants Financed by IRI Bonds
7. Preferential Financing for Export Promotion under Law 394/81
8. Urban Redevelopment under Law 181
9. Grant Received Pursuant to the Community Initiative Concerning the Preparation of Enterprises for the Single Market ("PRISMA")
10. Law 183/76 Industrial Development Grants
11. Law 598/94 Interest Subsidies
12. Law 236/93 Training Grants
13. European Regional Development Fund ("ERDF")
14. Duty-Free Import Rights
15. Remission of Taxes on Export Credit Insurance Under Article 33 of Law 227/77
16. Law 1329/65 Interest Contributions ("Sabatini Law")
17. European Social Fund ("ESF")

### III. Analysis of Comments

*Comment 1:* Application of the Department's privatization methodology to Delverde (Delverde)

*Comment 2:* Presumption that subsidies continue after a change in ownership (Delverde)

*Comment 3:* Privatization and the U.K. Lead Bar Panel (Delverde)

*Comment 4:* Sale of shares vs. assets (Delverde)

*Comment 5:* Continuity of business operations (Delverde)

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## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Exporters' Textile Advisory Committee; Notice of Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on Tuesday, August 20, 2002. The meeting will be from 10 a.m. to 12:30 p.m. at the Greensboro-High Point Marriott (Airport Marriott), Greensboro, North Carolina.

The Committee provides advice and guidance to Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion.

The Committee functions solely as an advisory body in accordance with the provisions of the Federal Advisory Committee Act.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact Monica Montavon, telephone: (202) 482-2257. Dated: August 7, 2002.

#### D. Michael Hutchinson,

*Acting Chairman, Committee for Implementation of Textile Agreements.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Federal Approval of the Indiana Coastal Management Program

**AGENCY:** National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**ACTION:** Notice of the National Oceanic and Atmospheric Administration, National Ocean Service's approval of the Indiana Coastal Management Program pursuant to the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 *et seq.*

**SUMMARY:** Notice is hereby given that the National Oceanic and Atmospheric Administration (NOAA) approved the Indiana Lake Michigan Coastal Management Program (LMCP) on August 5, 2002, pursuant to the provisions of section 306 of the Federal Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1455 (CZMA). The LMCP is described in the Indiana Coastal Management Program and Final Environmental Impact Statement (P/FEIS) published on June 21, 2002.

Indiana is the 34th state to receive Federal approval of its coastal management program. Indiana submitted a proposed coastal program to NOAA in April 2001. Upon reaching a preliminary decision that the program met the requirements of the CZMA, and in order to meet its responsibilities under the National Environmental Policy Act, NOAA published the Indian Coastal Management Program and Draft Environmental Impact Statement (P/DEIS) for public review on September 21, 2001. NOAA published the P/FEIS including public comments on the P/DEIS and responses to those comments on June 21, 2001. NOAA has also fulfilled the responsibilities under the Endangered Species Act through consultations with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Upon completion of the 30-day review period, NOAA will prepare a Record of Decision in accordance with the requirements of 40 CFR 1502.2 of regulations to implement the National Environmental Policy Act.

The LMCP is the culmination of several years of development by the State of Indiana, in consultation with interest groups, the general public, Federal agencies, and NOAA. The LMCP consists of numerous state policies on diverse coastal management issues which are prescribed by statute and other legal mechanisms and made enforceable under state law. The LMCP will improve the decision making process for determining appropriate coastal land and water uses in light of resource consideration and increase public awareness of coastal resources and processes. The LMCP will increase long term protection of the state's coastal resources, while providing for sustainable economic development.

NOAA approval of the LMCP makes the state eligible for federal financial assistance for program administration and enhancement under sections 305, 306A, 308, 309 and 310 of the CZMA (16 U.S.C. Sec. 1455, 1455a, 1456a, and 1456b). Indiana has submitted an application for \$1,150,000 in FY 2002 Federal CZMA funds, which are available for Indiana. These funds will generally be used to assist the state in administering the various state authorities included in the LMCP, as well as be used to fund local management efforts.

NOAA approval of the LMCP also makes operational, as of the date of this **Federal Register** Notice, the CZMA federal consistency requirement with respect to the LMCP (16 U.S.C. 1456; 15 CFR part 930). Therefore, as of today, direct federal activities occurring within