

(202) 482-6071, or (202) 482-1664, 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. In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations codified at 19 CFR part 351 (2002).

#### Background

On July 24, 1996, the Department published in the **Federal Register** the antidumping and countervailing duty orders on pasta from Turkey (61 FR 38545-38547). On February 12, 2003, Gidasa submitted information stating that Gidasa is the successor-in-interest to Maktas and, as such, Gidasa is entitled to receive the same antidumping and countervailing duty treatment as is accorded Maktas. On March 5, 2003, petitioners entered their appearance and objected to an expedited treatment of these changed circumstances reviews on the basis that such treatment would preclude a "full and meaningful" participation of all parties. Subsequently, on March 7, 2003, Gidasa submitted comments on petitioners' objections and provided further support for its expedited treatment request. On April 7, 2003, the Department published the initiation and the preliminary results of its changed circumstances reviews in the above-named case. See *Preliminary Results* (68 FR 16761). We gave interested parties 30 days to comment on our preliminary results. However, no interested parties have provided comments or requested a hearing.

#### Scope of the Reviews

Imports covered by these reviews 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 these reviews 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 orders 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 Brinkman to Richard Moreland*, dated May 24, 1999, in the case file in the Central Records Unit, main Commerce building, room B-099 (the CRU).

#### Successorship and Final Results of Reviews

On the basis of the record developed in these changed circumstances reviews, we determine Gidasa to be the successor-in-interest to Maktas for purposes of determining antidumping and countervailing duty liability. For a complete discussion of the basis for this decision see the *Preliminary Results* (68 FR 16761, April 17, 2003). We received no comments from any party on the *Preliminary Results* and, therefore, have adopted the same position for these final results. Therefore, Gidasa shall retain the antidumping and countervailing duty deposit rates assigned to Maktas by the Department in the most recent administrative reviews of the subject merchandise. This cash deposit rate is effective for all shipments of the subject merchandise from Gidasa entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice.

This notice also serves as a final reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 19 CFR 351.221(c)(3).

Dated: July 8, 2003.

**Jeffrey May,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 03-17747 Filed 7-11-03; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-846]

#### Brake Rotors from the People's Republic of China: Notice of Partial Rescission of the Ninth New Shipper Antidumping Duty Review

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

**ACTION:** Notice of Partial Rescission of Antidumping Duty Administrative Review.

**SUMMARY:** On June 5, 2003, in response to a request by three exporters of the subject merchandise from the People's Republic of China ("PRC"),<sup>1</sup> the Department of Commerce ("the Department") initiated the ninth new shipper review of the antidumping duty order on brake rotors from the PRC. The period of review is April 1, 2002 through March 31, 2003<sup>2</sup>. This review has now been partially rescinded as a result of the withdrawal of the request for review by Anda.

**EFFECTIVE DATE:** July 14, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Brian Smith, Terre Keaton or Margarita Panayi, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-1766, (202) 482-1280 or 482-0049, respectively.

#### SUPPLEMENTARY INFORMATION:

#### Background

On June 5, 2003, the Department of Commerce initiated a new shipper review of Anda, Laizhou Luqi and

<sup>1</sup> The three exporters are (1) Anda Industries Co., Ltd. ("Anda"); (2) Laizhou City Luqi Machinery Co., Ltd. ("Laizhou Luqi"); and (3) Qingdao Rotec Auto Parts Co., Ltd. ("Qingdao Rotec").

<sup>2</sup> On May 16, 2003, Anda, Laizhou Luqi and Qingdao Rotec waived the new shipper time limits specified in 19 CFR 351.214(j)(3), and we subsequently aligned this new shipper review with the sixth antidumping duty administrative review of brake rotor from the PRC.

Qingdao Rotec (*see Brake Rotors from the People's Republic of China: Initiation of the Ninth New Shipper Antidumping Duty Review*, 68 FR 33675 (June 5, 2003)). On June 17, 2003, Anda withdrew its request for review.

#### Partial Rescission of Review

Pursuant to 19 CFR 351.214 (f), the Secretary will rescind a new shipper review in whole or in part if a party that requested the review withdraws its request within sixty days of publication of the **Federal Register** notice that initiated the review. In accordance with 19 CFR 351.214(f), Anda withdrew its request for review within the 60-day period.

Accordingly, we are rescinding in part this review of the antidumping duty order on brake rotors from the PRC with respect to Anda. This review will continue with respect to Laizhou Luqi and Qingdao Rotec. Furthermore, bonding will no longer be permitted to fulfill security requirements for shipments of brake rotors from the PRC produced and exported by Anda that are entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.214(d).

Dated: July 8, 2003.

**Jeffrey May,**

*Deputy Assistant Secretary for Import Administration.*

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-813]

#### Final Court Decisions and Amended Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit from Thailand

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

**ACTION:** Notice of Final Court Decisions and Amended Final Determination of Sales at Less Than Fair Value.

**SUMMARY:** On July 28, 1999, the United States Court of Appeals for the Federal Circuit (CAFC) reversed a United States Court of International Trade (CIT) finding that the Department wrongly allocated raw material costs of pineapple in its calculation of a weighted average dumping margin in its amended final determination of sales at

less than fair value and held that the Department's allocation methodologies were reasonable and supported by substantial evidence. *See Notice of Antidumping Duty Order and Amended Final Determination: Canned Pineapple Fruit From Thailand*, 60 FR 36775 (July 18, 1995) (*Amended Final Determination*) and *The Thai Pineapple Public Co. v. United States*, 187 F.3d 1362 (Fed. Cir. 1999), *reh'g en banc denied*, 1999 US App LEXIS 31385 (Fed. Cir. Oct. 28, 1999), *cert. denied sub nom. Dole Food Co. v. United States*, 529 US 1097 (2000) (*CAFC Decision*). The *CAFC Decision*, while affirming the Department's practice with respect to the fruit cost allocation issue affecting the calculation, nonetheless, necessitated a change in the most recent calculation of the weighted average margin of Dole Food Company, Inc., Dole Packaged Foods Company, and Dole Thailand, Ltd (collectively, Dole), pursuant to a remand determination ordered by the CIT in *The Thai Pineapple Public Co. v. United States*, 946 F. Supp. 11 (Ct. Int'l Trade 1996) (*CIT Decision I*). As there are now final and conclusive court decisions with respect to the litigation pertaining to this proceeding, we are hereby amending our amended final determination to reflect the methodology for raw material allocation used by the Department in its amended final determination of July 18, 1995 with respect to Dole's weighted average margin calculation. We will, however, retain the CIT-mandated amendment to the calculations regarding consistent time periods (as they regard shipment volumes) for purposes of calculating Dole's weighted average margin. This change was affirmed by the CIT in *The Thai Pineapple Public Co. v. United States*, Slip Op. 97-32, 1997 Ct. Int'l Trade LEXIS 30 (March 18, 1997) (*CIT Decision II*) and was not challenged before the CAFC.

Currently, there are outstanding entries that were not liquidated as they were subject to an injunction entered pursuant to this litigation. As the litigation on the *Amended Final Determination* is now complete, the injunction is no longer in effect. The Department will subsequently instruct the U.S. Bureau of Customs and Border Protection (BCBP) to liquidate any outstanding Dole entries subject to the cash deposit rate established by this amended final determination.

**EFFECTIVE DATE:** July 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** David Layton or Charles Riggle, Office 5, Group II, AD/CVD Enforcement, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0371 and (202) 482-0650, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 18, 1995, the Department of Commerce (the Department) published an amended final determination of sales at less than fair value for canned pineapple fruit (CPF) from Thailand (A-549-813). *See Amended Final Determination*. Subsequent to our publication of this amended final determination, Dole challenged certain aspects of our margin calculation methodology for the *Amended Final Determination* before the CIT. On November 8, 1996, the CIT issued an order to the Department with respect to the *Amended Final Determination*. *See CIT Decision I*. In this order, the CIT directed the Department to use a consistent time period for the calculation of shipment ratios used to weight Dole's average dumping margin for all products from Thailand.<sup>1</sup> The CIT also instructed the Department to correct the effective date of the antidumping order with respect to Dole, to consider Dole's evidence in support of a U.S. dollar inventory cost measure, and to use a non-output price based methodology to allocate the raw material costs of pineapple between solid and non-solid outputs. *Id.* Only two of the CIT's instructions resulted in changes in Dole's weighted average margin calculation: the revision of the fruit cost allocation methodology and the change in the time periods used for calculating Dole's weighted average dumping margin. The Department fully complied with the court order in its final results of redetermination pursuant to the court remand. *See Final Results of Redetermination Pursuant to Court Remand, Thai Pineapple Public Co. v. United States*, Consol. Court No. 95-00-01064, Slip Op. 96-182 signed on February 3, 1997 and issued on February 4, 1997 (*CIT Remand Results*).

<sup>1</sup> Since Dole was unable to distinguish between its shipments to the United States of pineapple grown and canned in Thailand and that grown and canned in the Philippines, the Department calculated a dumping margin for Dole by weight-averaging the dumping margin for each product category according to the ratio of shipment volumes from Thailand over the total volume shipped to the United States from Thailand and the Philippines. Because the Department had originally used inconsistent time periods for its tally of Thai and Filipino shipments, the CIT instructed it to use consistent time periods to count the shipments used in computing the ratio. *See CIT Remand Results at 1-2 and 4-5.*