

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 order 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. In the companion countervailing and antidumping duty investigations involving pasta from Italy, we have excluded imports of organic pasta that are accompanied by the appropriate certificate issued by the Associazione Marchigiana Agricoltura Biologica (AMAB) or by Bioagricoop srl. The Department has determined that AMAB and Bioagricoop srl are legally authorized to certify foodstuffs as organic for the Government of Italy (GOI). If certification procedures similar to those implemented by the GOI are established by the Government of Turkey for exports of organic pasta to the United States, we would consider an exclusion for organic pasta at that time.

The merchandise under investigation is currently classifiable under items 1902.19.20 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. Although the *HTSUS* subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Countervailing Duty Order

On July 17, 1996, pursuant to section 705(d) of the Act, the ITC notified the Department that an industry in the United States is materially injured by imports of the subject merchandise from Turkey within the meaning of section 705(b)(1)(A) of the Act. Therefore, countervailing duties will be assessed on all unliquidated entries of pasta from Turkey entered or withdrawn from warehouse for consumption on or after October 17, 1995, the date on which the Department published its preliminary countervailing duty determination in the Federal Register, and before February 14, 1996, the date the Department instructed the U.S. Customs Service to terminate the suspension of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals made on or after the date of publication of this countervailing duty order in the Federal Register. Section 703(d) states that the suspension of liquidation pursuant to a

preliminary determination may not remain in effect for more than four months. Entries of pasta made on or after February 14, 1996, and prior to the date of publication of this order in the Federal Register are not liable for the assessment of countervailing duties due to the Department's termination, effective February 14, 1996, of the suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstitute suspension of liquidation and to assess, upon further advice by the administering authority pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise.

On or after the date of publication of this notice in the Federal Register, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the countervailable subsidy rates noted below. The All Others rate applies to all producers and exporters of pasta from Turkey not specifically listed below. The cash deposit rates are as follows:

Company	Cash deposit rate
Filiz Gida Sanayi ve Ticaret	3.87
Maktas Makarnacilik ve Ticaret	12.61
Oba Makarnacilik Sanayi ve Ticaret	15.82
All Others	9.38

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 355.34(d). 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 notice constitutes the countervailing duty order with respect to pasta from Turkey. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is published in accordance with section 706(a) of the Act.

Dated: July 17, 1996.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

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[A-475-818]

Notice of Antidumping Duty Order and Amended Final Determination of Sales at Less Than Fair Value: Certain Pasta From Italy

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

EFFECTIVE DATE: July 24, 1996.

FOR FURTHER INFORMATION CONTACT: John Brinkmann at (202) 482-5288, Jennifer Katt at (202) 482-0498, or Greg Thompson (202) 482-3003, Office of Antidumping/Countervailing Duty Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

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 by the Uruguay Round Agreements Act (URAA).

Amended Final Determination

In accordance with section 735(a) of the Tariff Act of 1930, as amended (the Act), on June 3, 1996, the Department made its final determination that certain pasta (pasta) from Italy is being, or is likely to be, sold in the United States at less than fair value (61 FR 30287 (June 14, 1996)). Subsequent to the final determination, we received submissions, timely filed pursuant to 19 CFR 353.28(b), from La Molisana Industrie Alimentari S.p.A. (La Molisana), Pastificio Fratelli Pagani S.p.A. (Pagani), and De Matteis Agroalimentare S.p.A. (De Matteis), alleging ministerial errors in the Department's final determination for these respondents. We also received submissions from Borden Inc., Hershey Foods Corp., and Gooch Foods, Inc. (collectively the petitioners) alleging ministerial errors in the Department's final determination for Arrighi S.p.A. Industrie Alimentari (Arrighi) and its affiliate, Italpasta S.p.A. (Italpasta), Delverde, SrL (Delverde) including its affiliate Tamma Industrie Alimentari di Capitanata, SrL (Tamma), and Pagani. The parties filed comments to the

clerical error allegations on June 21, 27, and July 1, 1996.

We determine, in accordance with 19 CFR 353.28(d), that ministerial errors were made in our margin calculations for Arrighi and Pagani. Specifically, our calculation of Arrighi's cost of production failed to fully capture the semolina cost of affiliated suppliers. In the case of Pagani, our calculation incorrectly included the amount

reported in the field old discount (OLDDISU) when calculating U.S. credit and discount expenses, and also understated certain general administrative expenses. Additionally, in preparing the recalculation for the ministerial error described above, we noted two minor inadvertent errors in the programming for Pagani which were not noted by either the petitioners or the respondents. For a detailed discussion

of the above-cited ministerial errors and the Department's analysis, see Memorandum from Case Analysts to Barbara R. Stafford, dated July 8, 1996. In accordance with 19 CFR 353.28(c), we are amending the final determination of the antidumping duty investigation of pasta from Italy to correct these ministerial errors. The revised final weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Original margin percentage	Revised margin percentage
Arrighi/Italpasta	20.24	21.34
De Cecco	46.67 (facts available)	46.67 (facts available)
De Matteis	0.67 (de minimis)	0.67 (de minimis)
Delverde/Tamma	2.80	2.80
La Molisana	14.78	14.78
Liguori	12.41	12.41
Pagani	12.90	18.30
All Others	11.21	12.09

Scope of Order

The scope of this order consists 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 order 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 Associazione Marchigiana Agricoltura Biologica (AMAB) or by Bioagricoop srl.

On July 9, 1996, after the date of our final antidumping duty determination, Euro-USA Trading Co., Inc., of Pawcatuck, CT, submitted materials to the Department supporting its request for an exclusion for pasta certified to be "organic pasta." Among the documents submitted are a decree from the Italian Ministry of Agriculture and Forestry authorizing Bioagricoop srl to certify foodstuffs as organic for the implementation of EEC Regulation 2029/91. Also submitted is a letter (with an accompanying translation into English) from the Director of Controls of Processing and Marketing Firms at Bioagricoop stating that the organization will take responsibility for its organic pasta certificates and will

supply the necessary documentation to U.S. authorities. On this basis, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Bioagricoop srl are excluded from the scope of this order.

The merchandise under order is currently classifiable under items 1902.19.20 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. Although the *HTSUS* subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Antidumping Duty Order

On July 17, 1996, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that the U.S. pasta industry is materially injured by imports of pasta from Italy. Therefore, in accordance with section 736 of the Act, the Department will direct United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price for all entries of pasta from Italy. These antidumping duties will be assessed on all unliquidated entries of pasta from Italy entered, or withdrawn from warehouse, for consumption on or after January 19, 1996, the date on which the Department published its preliminary determination notice in the Federal Register (61 FR 1347). On or after the date of publication of this notice in the Federal Register, U.S. Customs officers must require, at the same time as importers would normally deposit estimated

duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Revised margin percentage
Arrighi/Italpasta	21.34
De Cecco	46.67
De Matteis	0.00
Delverde/Tamma	2.80
La Molisana	14.78
Liguori	12.41
Pagani	18.30
All Others	12.09

Article VI (5) of the General Agreement on Tariffs and Trade (1947) prohibits assessing dumping duties on the portion of the margin attributable to an export subsidy. In this case, the product under investigation is subject to a countervailing duty investigation (see Final Affirmative Countervailing Duty Determination: Certain Pasta from Italy (61 FR 30288 (June 14, 1996))). Therefore, for all entries of pasta from Italy, entered or withdrawn from warehouse for consumption made on or after the date on which the order in the companion countervailing duty investigation is published in the Federal Register, we will request for duty deposit purposes, that United States Customs deduct the portion of the margin attributable to the export subsidy from the countervailing duty investigation. The cash deposit rates for antidumping purposes will be as follows:

Manufacturer/producer/exporter	Cash deposit rate
Arrighi/Italpasta	19.09
De Cecco	46.67
De Matteis	0.00
Delverde/Tamma	1.68
La Molisana	14.73
Liguori	12.41
Pagani	18.30
All Others	11.26

This notice constitutes the antidumping duty order with respect to pasta from Italy, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published pursuant to section 736(a) of the Act (19 U.S.C. 1673e (a)) and 19 CFR 353.21.

Dated: July 17, 1996.

Robert S. LaRussa,
*Acting Assistant Secretary for Import
Administration.*

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