

sample transactions from our analysis. We recalculated packing expenses and credit expenses for certain U.S. sales. We excluded sales of greenhouse tomatoes produced outside of Canada. We did not include U.S. sales transactions for which we had no cost information, which represented less than one percent of Mastronardi's U.S. sales, and removed all zero-priced sample transactions from our analysis.

We revised the calculation of variable overhead costs to include all heating costs incurred during the POI. We included the total cost of the plastic covers recorded as a general repair and maintenance expense in the normal books and records of the company in the G&A expense-rate calculation. We revised the denominator in the financial expense rate calculation to reflect the total cost of goods sold incurred by the consolidated entity.

#### *J-D Marketing, Inc.*

We assigned a customer relationship for J-D Marketing, Inc.'s home-market affiliate in order to perform the arm's-length test. We did not include home-market sales for which we had no cost information and removed all zero-priced sample transactions from our analysis.

We recalculated packing expenses and credit expenses for certain U.S. sales. We did not include U.S. sales for which we had no cost information, which represented less than one percent of J-D's marketing Inc.'s U.S. sales, and we removed all zero-priced sample transactions from our analysis of U.S. sales.

We revised the calculation of variable overhead costs to include all heating costs incurred during the POI. We revised the calculation of fixed overhead costs to include all depreciation charges incurred during the POI. We adjusted G&A expenses to include the total executive salaries and exclude an adjustment for reimbursements from expenses paid on behalf of owners. We also adjusted the company's interest-expense rate to include all interest expenses incurred by the company and to include total cost of goods sold in the denominator.

#### **Currency Conversion**

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Act based on the exchange rate in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

#### **Verification**

As provided in section 782(i) of the Act, we will verify all information upon

which we will rely in making our final determination.

#### **Suspension of Liquidation**

In accordance with section 733(d)(2) of the Act, we are directing the Customs Service to suspend liquidation of all imports of subject merchandise except for exports by J-D Marketing, Inc., that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds the export price or CEP, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/grower	Weighted-average margin percentage
BC Hot House Foods, Inc. ....	50.75
Red Zoo Marketing (a.k.a. Produce Distributors, Inc.) ....	23.17
Veg Gro Sales, Inc. (a.k.a. K & M Produce Distributors, Inc.)	2.45
J-D Marketing, Inc. ....	0.00
Mastronardi Produce Ltd. ....	5.54
All Others .....	32.36

#### **ITC Notification**

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary determination. If our final antidumping determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

#### **Disclosure**

We will disclose the calculations used in our analysis to parties in this proceeding in accordance with 19 CFR 351.224(b).

#### **Public Comment**

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than one week after the issuance of the Department's verification reports. A list of authorities used, a table of contents, and an executive summary of issues should accompany any briefs submitted to the Department. Executive summaries should be limited to five pages total, including footnotes. In accordance with

section 774 of the Act, we will hold a public hearing to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs, provided that such a hearing is requested by an interested party. If a request for a hearing is made, the hearing will be tentatively held three days after the deadline for submission of the rebuttal briefs at the U.S.

Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C., 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. We will make our final determination no later than 75 days after the date of this preliminary determination.

This determination is issued and published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: October 1, 2001.

**Joseph A. Spetrini,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 01-25100 Filed 10-4-01; 8:45 am]

**BILLING CODE 3510-DS-P**

#### **DEPARTMENT OF COMMERCE**

#### **International Trade Administration**

**[A-475-818; A-489-805]**

#### **Final Results of Expedited Sunset Reviews: Certain Pasta From Italy and Turkey**

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

**ACTION:** Notice of final results of expedited sunset reviews: Certain pasta from Italy and Turkey.

**SUMMARY:** On June 1, 2001, the Department of Commerce ("the Department") initiated five-year ("sunset") reviews of the antidumping duty orders on certain pasta ("pasta") from Italy and Turkey (66 FR 29771) pursuant to section 751(c) of the Tariff Act of 1930, as amended ("the Act"). On the basis of notices of intent to

participate and substantive comments filed on behalf of the domestic interested parties, and inadequate response and/or request for waivers from respondent interested parties, the Department conducted expedited (120-day) sunset reviews of these antidumping duty orders. As a result of these reviews, the Department finds that revocation of the antidumping orders on pasta from Italy and Turkey would be likely to lead to continuation or recurrence of dumping at the levels indicated in the Final Results of Review section of this notice.

**EFFECTIVE DATE:** October 5, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Martha V. Douthit or Carole A. Showers, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-5050 or (202) 482-3217, respectively.

**SUPPLEMENTARY INFORMATION:**

**Statute and Regulations**

These reviews were conducted pursuant to sections 751(c) and 752 of the Act. The Department's procedures for the conduct of sunset reviews are set forth in Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders, 63 FR 13516 (March 20, 1998) ("Sunset Regulations"), and in 19 CFR part 351 (2000) in general. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3 Policies Regarding the Conduct of Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin, 63 FR 18871 (April 16, 1998) ("Sunset Policy Bulletin").

**Background**

On June 1, 2001, the Department initiated sunset reviews of the antidumping duty orders on pasta from Italy and Turkey (66 FR 29771), pursuant to section 751(c) of the Act.<sup>1</sup> On June 15, 2001, the Department received Notices 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"), within the applicable deadline specified in section 351.218(d)(1)(i) of the Sunset

Regulations.<sup>2</sup> The domestic interested parties claimed interested party status under section 771(9)(C) of the Act, as producers of certain pasta in the United States. On July 2, 2001, the Department received complete substantive responses from the domestic interested parties within the 30-day deadline specified in the Sunset Regulations under section 351.218(d)(3)(i).<sup>3</sup> We did not receive substantive responses from respondent interested parties in these proceedings.<sup>4</sup> As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C), the Department conducted an expedited, 120-day, sunset review of these antidumping duty orders.

**Scope of Reviews**

*Italy (A-475-818)*

Imports covered by the antidumping duty order on pasta from Italy include 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, diastasis, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this order 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 from this order are imports of organic pasta from Italy that

<sup>2</sup> See Letter of Domestic Party Notice of Intent to Participate—Sunset Review of the Antidumping Duty Order on Certain Pasta from Italy, June 15, 2001, and Domestic Party Notice of Intent to Participate—Sunset Review of the Antidumping Duty Order on Certain Pasta from Turkey, June 15, 2001.

<sup>3</sup> See Substantive Response by the Domestic Industry, Sunset Review of the Antidumping Duty Order on Certain Pasta from Italy, July 2, 2001, and Substantive Response by the Domestic Industry, Sunset Review of the Antidumping Duty Order on Certain Pasta from Turkey, July 2, 2001.

<sup>4</sup> On June 4, 2001, La Molisana Industrie Alimentari ("La Molisana") and Molisana U.S. entered an appearance in support of revocation of the antidumping duty order on Certain Pasta from Italy. On June 27, 2001, Rienzi & Sons, Inc. ("Rienzi"), and N. Puglisi & F. Industria Paste Alimentari S.p.A. ("Puglisi") entered an appearance in the proceeding on Certain Pasta from Italy. These companies did not submit substantive responses in this review.

On June 29, 2001 and July 2, 2001, the Department received waivers of participation in the Department's sunset review on pasta from Italy on behalf of Delverde, SpA ("Delverde"), Tamma Industri Alimentari di Capitanata Srl ("Tamma") and Prodotti Alimentari Meridionali S.r.l. ("PAM").

are accompanied by the appropriate certificate issued by the Istituto Mediterraneo Di Certificazione, by Bioagricoop Srl, by QC&I International Services, by Ecocert Italia or by Consorzio per il Controllo dei Prodotti Biologici.

The merchandise subject to the antidumping duty order on pasta from Italy 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:

(1) On August 25, 1997, the Department issued a scope ruling, finding 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 order. See Memorandum from Edward Easton to Richard Moreland, dated August 25, 1997, on file in the Central Records Unit ("CRU") of the main Commerce Building, Room B-099.

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

(3) On October 23, 1997, the petitioners filed a request that the Department initiate an anti-circumvention investigation against Barilla, an Italian producer and exporter of pasta. On October 5, 1998, the Department issued a final determination that, pursuant to section 781(a) of the Act, Barilla was circumventing the antidumping duty order by exporting bulk pasta from Italy which it subsequently repackaged in the United States into packages of five pounds or less for sale in the United States. See Anti-circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Final Determination of Circumvention of the Antidumping Duty Order, 63 FR 54672 (October 13, 1998) (Barilla Circumvention Inquiry).

(4) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package

<sup>1</sup> See Notice of Initiation of Five-Year (Sunset) Reviews, 66 FR 29771 (June 1, 2001).

weighing over five pounds as a result of allowable industry tolerances may be within the scope of the order. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing up to (and including) five pounds four ounces, and so labeled, is within the scope of the order. See Memorandum from John Brinkmann to Richard Moreland, dated May 24, 1999 on file in the CRU.

On December 13, 2000 the Department revoked the antidumping duty order with respect to De Cecco. See 65 FR 77852 (December 13, 2000).

#### *Turkey (A-489-805)*

Imports covered by the antidumping duty order on pasta from Turkey include 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 order 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.

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 Ruling

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 orders. On May 24, 1999 we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing up to (and including) five pounds four ounces, and so labeled, is within the scope of the order. See Memorandum from John Brinkmann to Richard Moreland, dated May 24, 1999, on file in the CRU.

#### 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 dumping and the magnitude of the margins likely to prevail were the order revoked. Parties may find a complete discussion of all issues raised in these reviews 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 may 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 Reviews

We determine that revocation of the antidumping duty orders on pasta from Italy and Turkey would likely lead to continuation or recurrence of dumping at the following percentage weighted-average margins:

Manufacturer/producer/exporter	Weighted-average margin (percent)
Arrighi/Italpasta .....	19.09
De Cecco .....	Revoked
De Matteis .....	0.00
Delverde/Tamma .....	1.68
La Molisana .....	14.73
Liguori .....	11.58
Pagani .....	17.47
All Others .....	11.26

The antidumping order with respect to De Cecco, was revoked based on three years of sales in commercial quantities at not less than normal value. See 65 FR 77852 (December 13, 2000).

Manufacturer/producer/exporter	Amended margin (%) (61 FR 38545)	Revised deposit rate (61 FR 38545)
Filiz .....	63.29	63.29
Maktas .....	60.87	48.26*

Manufacturer/producer/exporter	Amended margin (%) (61 FR 38545)	Revised deposit rate (61 FR 38545)
All Others .....	60.87	51.49*

\*Article VI of the General Agreement on Tariffs and Trade (1947) prohibits assessing dumping duties on the portion of the margin attributable on an export subsidy. In this case, the product in the investigation was subject to a countervailing duty order (see Final Affirmative Countervailing Duty Determination: Certain Pasta from Turkey, 61 FR 30288 (June 14, 1996)). Therefore, for all entries of pasta from Turkey, entered or withdrawn from warehouse for consumption made on or after the date on which the order in the companion countervailing duty order investigation was published in the FEDERAL REGISTER, Customs is instructed to deduct the portion of the margin attributable to the export subsidy from the countervailing duty investigation. Therefore, the cash deposit rate for Maktas is 48.26, and 51.49 percent for all other Turkish manufacturers/producers/exporters. The deposit rate for Filiz is based on total adverse facts available taken from the petition. Because the margin for Filiz was not a calculated margin, the margin remains unchanged.

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 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.

[FR Doc. 01-25102 Filed 10-4-01; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-580-813]

##### Stainless Steel Butt-Weld Pipe Fittings from Korea

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

**ACTION:** Notice of Initiation of New Shipper Antidumping Duty Review.

**SUMMARY:** The Department of Commerce has received a request for a new shipper review of the antidumping duty order on certain welded stainless steel butt-