

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)) and section 353.22 of the Department's regulations.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-32690 Filed 12-12-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Initiation of Anti-Circumvention Inquiry on Antidumping Duty Order on Certain Pasta From Italy

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

ACTION: Notice of initiation of anti-circumvention inquiry.

SUMMARY: On the basis of an application filed with the Department of Commerce, we are initiating an anti-circumvention inquiry to determine whether an Italian producer of pasta is circumventing the antidumping duty order on certain pasta from Italy issued July 24, 1996.

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT: Edward Easton or John Brinkmann, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482-1777 or (202) 482-5288, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 23, 1997, the Department of Commerce ("the Department") received an application filed by the petitioners in the above-referenced case, requesting that the Department conduct an anti-circumvention investigation, pursuant to section 781(a) of the Tariff Act of 1930, as amended ("the Act"), with respect to the antidumping duty order on certain pasta from Italy ("the order") issued July 24, 1996 (61 FR 38547). The petitioners allege that Barilla S.r.L. ("Barilla") is circumventing the order by importing pasta into the United States in bulk, defined as packages of greater than five pounds (2.27 kilograms), and repackaging the pasta into packages of

five pounds or less for resale in the United States. Inasmuch as the scope of the order covers only pasta in packages of five pounds or less, the petitioners claim that Barilla's repackaging operations in the United States have allowed it to import pasta into the United States free of any antidumping duties. The petitioners assert that all the elements necessary for an affirmative determination under Section 781(a) of the Act are present.

On November 19, 1997, Barilla filed comments replying to the petitioners' circumvention allegations. On December 2, 1997, petitioners filed comments in response to Barilla's November 19, 1997 submission. Barilla rebutted the petitioners' December 2, 1997 comments in a submission filed December 3, 1997.

Initiation of Anti-Circumvention Proceeding

In accordance with section 781(a) of the Act, the Department may include merchandise completed or assembled in the United States within the scope of an existing order when the following four conditions are met: (A) The merchandise sold in the United States is of the same class or kind as any other merchandise that is the subject to the antidumping duty order; (B) such merchandise sold in the United States is completed or assembled in the United States from parts or components produced in the foreign country with respect to which such order applies; (C) the process of assembly or completion in the United States is minor or insignificant; and (D) the value of the parts or components produced in the foreign country to which the antidumping duty order applies is a significant portion of the total value of the merchandise sold in the United States.

In determining whether to include parts or components in the order, the Act states at section 781(a)(3) that the Department must take into account: (1) the pattern of trade, including sourcing patterns; (2) whether the manufacturer or exporter of the parts or components is affiliated with the person who assembles or completes the merchandise sold in the United States; and (3) whether imports into the United States of the parts or components produced in such foreign country have increased after the initiation of the investigation which resulted in the issuance of such order or finding.

Based upon our review of the foregoing allegations and supporting information submitted in the application and in Barilla's submission, and with respect to the preceding

criteria, we find that the application contains all of the elements that warrant an anti-circumvention inquiry (see, December 8, 1997 Memorandum from Richard Moreland to Robert S. LaRussa). Therefore, we are initiating an anti-circumvention inquiry concerning the antidumping duty order on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225 of the Department's regulations.

We intend to notify the International Trade Commission ("ITC") in the event of an affirmative preliminary determination of circumvention, in accordance with 19 CFR 351.225(f)(7).

The Department will not order the suspension of liquidation at this time. However, in accordance with 19 CFR 351.225(l)(2), the Department will instruct the U.S. Customs Service to suspend liquidation in the event of an affirmative preliminary determination of circumvention.

This notice is issued pursuant to section 781 of the Act (19 U.S.C. 1677j) and 19 CFR 351.225.

Dated: December 8, 1997.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97-32629 Filed 12-12-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-818]

Certain Pasta From Italy; Notice of Court Decision

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

ACTION: Notice.

SUMMARY: On October 2, 1997, in the case of *De Cecco et al. v. United States et al.*, Slip Op. 97-143 ("De Cecco"), the United States Court of International Trade (the CIT) granted plaintiffs' and plaintiff-intervenors' motions for judgment with respect to the extension by the United States Department of Commerce ("Department") of provisional antidumping measures for the period May 19, 1996 through July 24, 1996. On October 23, 1997, the CIT ordered the Department to issue appropriate instructions to the U.S. Customs Service to implement its October 2, 1997, decision to grant judgment to plaintiffs and plaintiff-intervenors.

EFFECTIVE DATE: November 3, 1997.

FOR FURTHER INFORMATION CONTACT: Edward Easton or John Brinkmann, at

(202) 482-1777 or (202) 482-5288, respectively, Office of AD/CVD Enforcement II, Import Administration, International Trade Administration, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 14, 1996, the Department published its final determination of sales at less than fair value in the antidumping duty investigation of certain pasta from Italy. On July 24, 1996, the Department published an amended final determination. Subsequently, *De Cecco, et al.*, filed lawsuits with the Court challenging the extension of provisional measures described above. On October 2, 1997, the CIT issued its opinion granting plaintiffs' and plaintiff-intervenors' motions. In its opinion, the CIT found that the Department had improperly extended the provisional measures period, as there had not been a proper request from exporters to extend this period. On October 23, 1997, the CIT directed the Department to issue instructions to implement its decision.

In its decision in *Timken Co. v. United States*, 893 F.2d 337 (Fed. Cir. 1990) ("*Timken*"), the United States Court of Appeals for the Federal Circuit held that, pursuant to 19 U.S.C. 1516a(e), the Department must publish a notice of a court decision that is not "in harmony" with a Department determination, and must suspend liquidation of entries pending a "conclusive" court decision. The decision of the CIT in *De Cecco* constitutes a decision not in harmony with the Department's final determination. This notice fulfills the publication requirements of *Timken*.

Absent an appeal, or, if appealed, upon a "conclusive" court decision affirming the CIT's judgment, the Department will direct the U.S. Customs Service to: (1) Lift the suspension of liquidation, release any bonds or other security posted, and refund any and all cash deposits paid as estimated antidumping duties on any and all entries of the subject merchandise which were produced by the following producers:

F.lli Ce Cecco di Filippo San Martino S.p.A.
 Rummo S.p.A. Molina e Pastificio La Molisana Industrie Alimentari S.p.A.
 Pastificio Fratelli Pagani S.p.A.
 Industria Alimentari Colavita S.p.A.
 or imported by the following importers:
 Agrusa, Inc.
 Bel Canto Fancy Foods, Ltd.

Cento Fine Foods, Inc. (Alanric Food Distributors)
 George De Lallo Co., Inc.
 Domil, Inc.
 Ferrara Food Co., Inc.
 Gourmet Award Foods
 I.T. & M, Inc.
 Italfoods, Inc.
 La Pace Imports, Ltd.
 Med-USA Corporation
 Musco Food Corp.
 The Pastene Companies, Ltd.
 Rienzi & Sons
 Ron-Son Mushroom Products, Inc.
 Santini Foods, Inc.
 Sinco, Inc.
 World Finer Foods, Inc
 and were entered, or withdrawn from warehouse for consumption, after May 18, 1996, and before July 24, 1996; and (2) liquidate those entries without regard to any antidumping duty; and (3) pay any such refunds of cash deposits in accordance with law, including interest, from the date of entry at the rate(s) as announced from time to time by the Customs Service pursuant to Title 19, United States Code, Section 1505(c). Liquidation of such entries is suspended pending final and conclusive disposition.

Dated: December 5, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 97-32694 Filed 12-12-97; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-570-825]

Sebacic Acid From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of final results of antidumping duty administrative review of sebacic acid from the People's Republic of China.

SUMMARY: On August 8, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sebacic acid from the People's Republic of China (PRC) (62 FR 42755). This review covers shipments of this merchandise to the United States during the period of July 1, 1995, through June 30, 1996. We gave interested parties an opportunity to

comment on our preliminary results. Based upon our analysis of the comments received we have changed the results from those presented in the preliminary results of the review. In accordance with the decision in *Sigma Corp. v. the United States*, 117 F.3d 1401 (Fed. Cir. 1997), we revised our calculations of source-to-factory surrogate freight for those material inputs that are based in CIF import values in the surrogate country. We have added to CIF surrogate values from India, a surrogate freight cost using the shorter of the reported distances from either the closest PRC port to the factory, or from the domestic supplier to the factory. See *Notice of Final Determination of Sales at Less Than Fair Value: Collated Roofing Nails from the People's Republic of China*, 62 FR 51415, 51410 (October 1, 1997); *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China* 62 FR 61964, 61977 (November 20, 1997).

EFFECTIVE DATE: December 15, 1997.

FOR FURTHER INFORMATION CONTACT:

Doreen Chen or Stephen Jacques, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-0413 or (202) 482-1391, respectively.

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 Rounds Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are in reference to the regulations, codified at 19 CFR 353 (April 1, 1996).

SUPPLEMENTARY INFORMATION:

Background

The Department published in the **Federal Register** an antidumping duty order on sebacic acid from the PRC on July 14, 1995 (59 FR 35909). On August 8, 1997, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on sebacic acid from the PRC (62 FR 42755 August 8, 1997) for the period July 1, 1995 through June 30, 1996. We received written comments from Tianjin Chemicals Import and Export Corporation (Tianjin), Guangdong Chemicals Import and Export Corporation (Guangdong), and Sinochem International Chemicals