

importer and dividing this amount by the total quantity of those sales. To determine whether the duty assessment rates were *de minimis*, in accordance with the requirement set forth in 19 CFR 351.106(c)(2), we calculated importer-specific *ad valorem* rates based on the estimated entered value. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. Pursuant to 19 CFR 351.106(c), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is *de minimis* (i.e., less than 0.50 percent).

The Department clarified its "automatic assessment" regulation on May 6, 2003. See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003). This clarification will apply to entries of subject merchandise during the POR produced by the respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate of 6.33 percent<sup>3</sup> if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

#### Cash Deposit Requirements

On July 20, 2007, the Department published a **Federal Register** notice that, *inter alia*, revoked this order, effective July 9, 2007. See *IQF Red Raspberries from Chile: Final Results of Sunset Review and Revocation of Order*, 72 FR 39793 (July 20, 2007). As a result, CBP is no longer suspending liquidation for entries of subject merchandise occurring after the revocation. Therefore, there is no need to issue new cash deposit instructions pursuant to the final results of this administrative review.

#### Notification to Importers

This notice also serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to

liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

#### Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 4, 2007.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. E7-23963 Filed 12-10-07; 8:45 am]

**BILLING CODE 3510-DS-S**

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-475-818]

#### Certain Pasta from Italy: Notice of Final Results of the Tenth Administrative Review and Partial Rescission of Review

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

**SUMMARY:** On August 7, 2007, the Department of Commerce ("the Department") published the preliminary results and partial rescission of the tenth administrative review for the antidumping duty order on certain pasta from Italy. The review covers one manufacturer/ exporter, Rummo S.p.A. Molino e Pastificio ("Rummo"). The period of review ("POR") is July 1, 2005, through June 30, 2006. Further, requests for review of the antidumping duty order for the following companies were withdrawn: Industria Alimentare Colavita S.p.A. ("Indalco") and Corticella Molini e Pastifici S.p.A. and its affiliate Pasta Combattenti S.p.A. (collectively, "Corticella/Combattenti").

We rescinded the review with respect to Indalco and Corticella/Combattenti on July 12, 2007. In addition we are rescinding the review with respect to Atar, S.r.L. ("Atar"). As a result of our analysis of the comments received, these final results differ from the preliminary results.

**EFFECTIVE DATE:** December 11, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Dennis McClure (Atar) and Chris Hargett (Rummo), AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-5973 and (202) 482-4161, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 7, 2007, the Department published the preliminary results of the tenth administrative review of the antidumping duty order on certain pasta from Italy. See *Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Tenth Administrative Review of the Antidumping Duty Order on Certain Pasta from Italy*, 72 FR 44082 (August 7, 2007) ("Preliminary Results").

Atar and Rummo submitted briefs on September 6, 2007. The petitioners submitted their rebuttal brief to Atar on September 14, 2007. A public hearing was held on October 11, 2007.

##### Scope of the Order

Imports covered by this order are shipments of certain non-egg dry pasta in packages of five pounds four ounces 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 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 Istituto Mediterraneo Di Certificazione, by Bioagricoop Scrl, by QC&I International Services, by Ecocert Italia, by Consorzio per il Controllo dei Prodotti Biologici, or by Associazione Italiana per l'Agricoltura Biologica.

<sup>3</sup> The "all others" rate was established in *Notice of Amended Final Determination of Sales at Less Than Fair Value: IQF Red Raspberries from Chile*, 67 FR 40270, 40271 (June 12, 2002).

In addition, based on publicly available information, the Department has determined that, as of March 13, 2003, imports of organic pasta from Italy that are accompanied by the appropriate certificate issued by Istituto per la Certificazione Etica e Ambientale ("ICEA") are also excluded from this order. See Memorandum from Audrey Twyman to Susan Kuhbach, dated February 28, 2006, entitled "Recognition of Istituto per la Certificazione Etica e Ambientale ("ICEA") as a Public Authority for Certifying Organic Pasta from Italy" which is on file in the Department's Central Records Unit ("CRU").

The merchandise subject to this order is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States* ("HTSUS"). The merchandise subject to this order is also classifiable under item 1901.90.9095. See Memorandum from Dennis McClure to James Terpstra, RE: Request for AD/CVD Module Update with the Addition of HTSUS Number for Pasta from Italy (A-475-818), November 1, 2006. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

#### Rescission of Review

In the *Preliminary Results*, we stated that we were preliminarily rescinding the review with respect to Atar because we determined that it was not a manufacturer of subject merchandise. Since our preliminary results were published, the Department received comments regarding the preliminary decision to rescind this review for Atar, in accordance with 19 CFR 351.401(h). In the *Issues and Decision Memorandum* accompanying this notice, we discuss the Department's decision to rescind this review for Atar.

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Issues and Decision Memorandum*, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the *Issues and Decision Memorandum*, is attached to this notice as an Appendix. In addition, a complete version of the *Issues and Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov/frn>. The paper copy and electronic version of the *Issues and Decision Memorandum* are identical in content.

#### Final Results of Review

We determine that the following weighted-average margin exists for the period July 1, 2005, through June 30, 2006:

Manufacturer/exporter	Margin (percent)
Rummo .....	1.41

#### Assessment Rates

The Department will determine, and U.S. Customs and Border Protection ("CBP") shall assess, antidumping duties on all appropriate entries, pursuant to section 751(a)(1)(B) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.212(b). The Department calculated importer-specific duty assessment rates on the basis of the ratio of the total antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Where the assessment rate is above *de minimis*, we will instruct CBP to assess duties on all entries of subject merchandise by that importer. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). This clarification will apply to entries of subject merchandise during the period of review produced by companies included in these preliminary results of review for which the reviewed companies did not know their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

#### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of this notice of final results of the administrative review for all shipments of certain pasta from Italy entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Rummo will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the

company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 15.45 percent, the all-others rate established in the implementation of the findings of the WTO Panel in *US Zeroing (EC)*. See *Implementation of the Findings of the WTO Panel in US Zeroing (EC): Notice of Determinations Under Section 129 of the Uruguay Round Agreements Act and Revocations and Partial Revocations of Certain Antidumping Duty Orders*, 72 FR 25261 (May 4, 2007). These deposit requirements shall remain in effect until further notice.

#### Notification

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement may result in the Secretary's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent increase in antidumping duties by the amount of antidumping and/or countervailing duties reimbursed. This notice also 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 notification of the 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 are sanctionable violations.

We are issuing and publishing these final results of review and notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: December 4, 2007.

**Stephen J. Claeys,**

*Acting Assistant Secretary for Import Administration.*

## APPENDIX I

### List of Comments in the Issues and Decision Memorandum

#### Rummo S.p.A. Molino e Pastificio

Comment 1: Application of the Countervailing Duty ("CVD") offset in calculating Rummo's dumping margin

#### Atar, S.r.L.

Comment 2: Analysis of Atar's Status as a Manufacturer

Comment 3: Treatment of Atar as a Reseller/Exporter

Comment 4: Legal Authority for Terminating Review with Respect to Atar

[FR Doc. E7-23968 Filed 12-10-07; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-201-834]

#### Purified Carboxymethylcellulose from Mexico: Final Results of the Antidumping Duty Administrative Review

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

**SUMMARY:** On August 7, 2007, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on purified carboxymethylcellulose (CMC) from Mexico. *See Purified Carboxymethylcellulose From Mexico: Notice of Preliminary Results of Antidumping Duty Administrative Review*, 72 FR 44095 (August 7, 2007) (Preliminary Results). The review covers exports of the subject merchandise to the United States produced and exported by Quimica Amtex S.A. de C.V. (Amtex). We invited interested parties to comment on the preliminary results. Based upon our analysis of the comments received from parties, we have made changes in the margin calculation for the final results of this review. The final weighted-average margin is listed below in the "Final Results of Review" section of this notice.

**EFFECTIVE DATE:** December 11, 2007.

**FOR FURTHER INFORMATION CONTACT:** Mark Flessner or Robert James, AD/CVD Operations, Office 7, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-6312 or (202) 482-0649, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 7, 2007, the Department published the preliminary results of the administrative review and invited interested parties to comment. *See Preliminary Results*. On September 6, 2007, respondent Amtex filed a case brief in which the company alleges a ministerial error in our margin calculation. Also on September 6, 2007, petitioner The Aqualon Company, a division of Hercules, Inc. (Aqualon), filed a "Demonstration of Programming Errors in Lieu of Case Brief" in which the company alleges two ministerial errors in the calculation.

##### Period of Review

The period of review (POR) is December 27, 2004, through June 30, 2006.

##### Scope of the Order

The merchandise covered by this order is all purified carboxymethylcellulose (CMC), sometimes also referred to as purified sodium CMC, polyanionic cellulose, or cellulose gum, which is a white to off-white, non-toxic, odorless, biodegradable powder, comprising sodium CMC that has been refined and purified to a minimum assay of 90 percent. Purified CMC does not include unpurified or crude CMC, CMC Fluidized Polymer Suspensions, and CMC that is cross-linked through heat treatment. Purified CMC is CMC that has undergone one or more purification operations which, at a minimum, reduce the remaining salt and other by-product portion of the product to less than ten percent. The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States at subheading 3912.31.00. This tariff classification is provided for convenience and customs purposes; however, the written description of the scope of the order is dispositive.

##### Changes Since the Preliminary Results

###### SG&A and Interest Expense

In accordance with section 773(a)(4) of the Tariff Act of 1930 (the Tariff Act), we base normal value (NV) on constructed value (CV) if we are unable to find a contemporaneous comparison market match of such or similar merchandise for the U.S. sale. Section 773(e) of the Tariff Act provides that CV

shall be based on the sum of the cost of materials and fabrication employed in making the subject merchandise, SG&A expenses, profit, and U.S. packing costs. Since there was no cost allegation in this administrative review, no section D questionnaire was issued to Amtex. Therefore, we relied upon the costs of materials and fabrication as reported by Amtex in its sections A, B, and C responses and supplemental response to calculate CV (for those sales which were not matched to home market sales). However, Amtex's responses did not provide all the data necessary for us to compute CV profit. For the preliminary results, we calculated a CV profit using Amtex's 2001-2002 and 2005 audited financial statements, as submitted in the most recent segment of these proceedings. *See Notice of Antidumping Duty Orders: Purified Carboxymethylcellulose from Finland, Mexico, the Netherlands, and Sweden*, 70 FR 39734 (July 11, 2005); *see also Frozen Concentrated Orange Juice from Brazil: Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 66 FR 51008 (October 5, 2001) and the accompanying Issues and Decision Memorandum at Comment 3.

On August 24, 2007, Amtex submitted its audited 2006 financial statement. Therefore, we have used Amtex's 2006 cost data for SG&A and net interest expenses in order to derive CV for these final results. *See Analysis Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Carboxymethylcellulose from Mexico dated December 5, 2007 (Final Results Analysis Memorandum)*, at 3-4.; *see also Analysis Memorandum for the Preliminary Results of the Administrative Review of the Antidumping Duty Order on Carboxymethylcellulose from Mexico dated July 31, 2007 (Preliminary Results Analysis Memorandum)*, at 10-13. Public versions of these memoranda are on file in the Department's Central Records Unit (CRU) located in Room B-099 of the main Department of Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

###### Conversion Error in Calculation of DIFMER

In accordance with section 19 C.F.R. 351.411, we make a reasonable allowance for merchandise sold in the United States that does not have the same physical characteristics as the merchandise sold in the foreign market if we determine that the difference has an effect on prices when computing NV.