

58 FR 50330, 09/27/93). The current zone project includes the following sites: *Site 1* (70 acres)—within the Port of Catoosa, Rogers County; *Site 2* (1,731 acres)—within the Tulsa International Airport, 7777 East Apache, Tulsa (Tulsa County); *Site 3* (750 acres)—within the Mid-America Industrial Park, 4075 Sanders Mitchell Street, Pryor Creek (Mayes County); *Site 4* (160 acres)—Bartlesville Industrial Park, U.S. Highway 60 and Bison Road, Bartlesville (Washington County); and, *Site 5* (500 acres)—Stillwater Industrial Park, located east of U.S. Highway 177, Stillwater (Payne County).

The grantee's proposed service area under the ASF would be Rogers County, Oklahoma. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Tulsa Customs and Border Protection port of entry. The grantee proposes to retain its existing sites (Sites 2–5) located in Tulsa, Mayes, Washington and Payne Counties.

The applicant is requesting authority to reorganize and expand its existing zone project to include all of its existing as "magnet" sites. The applicant is also requesting approval of the following new "magnet" sites: *Proposed Site 6* (550 acres)—Claremore Business and Industrial Park, Lowry Road and Highway 66, Claremore (Rogers County); and, *Proposed Site 7* (525.70 acres)—Claremore Regional Airport Industrial Park, 19502 Rogers Post Road, Claremore (Rogers County). Since the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would have no impact on FTZ 53's authorized subzones.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 8, 2011. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 23, 2011.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230-0002, and in the "Reading

Room" section of the Board's Web site, which is accessible via <http://www.trade.gov/ftz>.

For further information, contact Camille Evans at [Camille.Evans@trade.gov](mailto:Camille.Evans@trade.gov) or (202) 482-2350.

Dated: February 1, 2011.

**Andrew McGilvray,**  
Executive Secretary.

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## DEPARTMENT OF COMMERCE

### International Trade Administration [A-475-818]

#### Certain Pasta From Italy: Notice of Amended Final Results of the Thirteenth Antidumping Duty Administrative Review

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

**SUMMARY:** On December 27, 2010, the Department of Commerce (the Department) published its final results of the thirteenth administrative review of the antidumping duty order on certain pasta from Italy for the period of review (POR) of July 1, 2008, through June 30, 2009. See *Certain Pasta from Italy: Notice of Final Results of the Thirteenth Antidumping Duty Administrative Review*, 75 FR 81212 (December 27, 2010) (*Final Results*). We are amending our final results to correct ministerial errors made in the calculation of the dumping margin for Pastificio Attilio Mastroauro-Pasta Granoro S.r. L. (Granoro), pursuant to section 751(h) of the Tariff Act of 1930, as amended (the Act).

**DATES:** *Effective Date:* February 7, 2011.

**FOR FURTHER INFORMATION CONTACT:** Jolanta Lawska, AD/CVD Operations, Office 3, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-8362.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 15, 2010, the margin calculations were released to Granoro.<sup>1</sup> On December 17, 2010, pursuant to 19 CFR 351.224(c), Granoro submitted comments alleging ministerial errors, and requested that the Department

correct alleged ministerial errors. No party submitted comments regarding Granoro's request to correct the alleged ministerial errors.

##### 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 Instituto Mediterraneo Di Certificazione, by QC&I International Services, by Ecocert Italia, by Consorzio per il Controllo dei Prodotti Biologici, by Associazione Italiana per l'Agricoltura Biologica, by Codex S.r.L., by Bioagricert S.r.L., or by Istituto per la Certificazione Etica e Ambientale. Effective July 1, 2008, gluten free pasta is also excluded from this order. See *Certain Pasta from Italy: Notice of Final Results of Antidumping Duty Changed Circumstances Review and Revocation, in Part*, 74 FR 41120 (August 14, 2009). The merchandise subject to this order is currently classifiable under items 1902.19.20 and 1901.90.9095 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.

##### Amended Final Results of Review

After analyzing Granoro's comments, we have determined, in accordance with section 751(h) of Act and 19 CFR 351.224, that the Department made a ministerial error in the *Final Results* calculation for Granoro regarding its reported transportation recovery expense (TRANSPRECU). See *Allegation of Ministerial Errors Memorandum*, dated January 28, 2011 (*Ministerial Errors Memo*). The Department finds that in the *Final Results*, we correctly stated that, consistent with our practice, we capped the transportation recovery amounts by the amount of U.S. freight expenses,

<sup>1</sup> On December 27, 2010, the Department published the *Final Results* of this administrative review.

incurred on subject merchandise; however, we did not implement this adjustment in the calculation of Granoro's margin program in the *Final Results*. See *Final Results* and accompanying Issues and Decision Memorandum, at page 8 (*Issues and Decision Memorandum*). Therefore, the Department finds that it inadvertently did not offset U.S. freight expense based on the amount of transportation recovery expense reported by Granoro. Accordingly, the Department's failure to make this adjustment was a clerical error. See section 751(h) of the Act. For these amended final results, the Department made these changes to Granoro's margin calculations as correctly explained in the final results. As a result, for the amended final results of this administrative review the average margin for Granoro has changed from 0.80 to 0.47 (*de minimis*).

In addition, Granoro alleged that the Department made a ministerial error with respect to the financial expense ratio (INTEX) used in the calculation of Granoro's antidumping duty margin. We have determined, in accordance with section 751(h) of Act and 19 CFR 351.224, that the Department did not make a ministerial error in the *Final Results* in the Department's calculation of the financial expense ratio. In the *Final Results*, the Department correctly stated that we adjusted the cost of goods sold denominator used to calculate the general and administrative (G&A) and financial expense ratios to include expenses for Granoro's testing of pasta. See *Issues and Decision Memorandum* at pages 10–11.<sup>2</sup> However, while this adjustment changed the G&A expense ratio, the financial expense ratio did not change as the result of the adjustment. Therefore, no correction to the SAS programming was necessary with respect to the financial expense ratio for the final results.

In accordance with section 751(h) of the Act, we are amending the final results of the antidumping duty administrative review of certain pasta from Italy for the period July 1, 2008, through June 30, 2009. As a result of correcting the ministerial errors discussed above, and in the company-specific memo listed above, the following margin applies:

Company	Final margin	Amended final margin
Granoro ..	0.80	0.47 ( <i>de minimis</i> ).

The amended final results do not differ from the final results for Garofalo.

#### Assessment

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, pursuant to 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 appropriate assessment instructions directly to CBP 15 days after publication of these amended final results of review.

The Department clarified its "automatic assessment" regulation on May 6, 2003 (68 FR 23954). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (*i.e.*, companies for which a dumping margin was calculated) where the companies did not know that 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 the amended final results of this administrative review for all shipments of certain pasta from Italy entered, or withdrawn from warehouse, for consumption on or after the publication date of these amended final results, as provided by section 751(a) of the Act: (1) For companies covered by this review, the cash deposit rate will be the rate listed above; (2) for previously reviewed or investigated companies other than those covered by this review, the cash deposit rate will be the

company-specific rate established for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the producer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the subject merchandise; and (4) if neither the exporter nor the producer is a firm covered in this review, a prior review, or the investigation, the cash deposit rate will be 15.45 percent, the all-others rate established in the less-than-fair-value investigation. These deposit requirements shall remain in effect until further notice.

#### Reimbursement of Duties

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 and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the 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.

#### Administrative Protective Order

This notice also is the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. 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 the terms of an APO is a sanctionable violation.

These amended final results of administrative review and notice are issued and published in accordance with sections 751(a)(1) and (h), and 777(i)(1) of the Act, and 19 CFR 351.224.

Dated: January 28, 2011.

#### Christian Marsh,

Acting Deputy Assistant Secretary for Import Administration.

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<sup>2</sup> See also Memorandum to Neal M. Halper from Ernest Z. Gziryman: Cost of Production and Constructed Value Calculation Adjustments for the Final Results—Pastificio Attilio Mastromauro—Pasta Granoro S.r.l., dated December 14, 2010 (*Final Cost Calculation Memo*).