

with respect to all shipments of paintbrushes from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed company listed above will be the rate for that firm established in the final results of this review except that, for firms whose weighted-average margins are less than 0.5 percent and therefore *de minimis*, the Department shall require no deposit of estimated antidumping duties; (2) for companies previously found to be entitled to a separate rate and for which no review was requested, the cash deposit rate will be the rate established in the most recent review of that company; (3) for all other PRC exporters of subject merchandise, the cash deposit rate will be the PRC-wide rate of 351.92 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Public Comment

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the date of publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Normally, case briefs are to be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, are to be submitted no later than five days after the time limit for filing case briefs. Parties who submit arguments in this proceeding are requested to submit with the argument: (1) A statement of the issues, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f).

Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs. Parties will be notified of the time and location.

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief, not later than 120 days, unless extended, after publication of these preliminary results.

#### Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under § 351.402(f)(2) of the Department's regulations 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.

This administrative review and notice are in accordance with sections 751(a)(3)(A) and 777(i)(1) of the Act.

Dated: February 28, 2003.

**Faryar Shirzad,**

*Assistant Secretary for Import Administration.*

[FR Doc. 03-5494 Filed 3-6-03; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-475-818]

#### Certain Pasta from Italy: Notice of Initiation of New Shipper Antidumping Duty Review

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

**SUMMARY:** The Department of Commerce ("the Department") has received a request for a new shipper review of the antidumping duty order on certain pasta from Italy. The request fulfilled all regulatory requirements. Therefore, in accordance with our regulations, we are initiating this new shipper review.

**EFFECTIVE DATE:** March 7, 2003.

#### FOR FURTHER INFORMATION CONTACT:

James Terpstra or Mark Young at (202) 482-3965 or 482-6397, respectively; AD/CVD Enforcement, Group II, Office VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

#### SUPPLEMENTARY INFORMATION:

## Background

On December 17, 2002, the Department received a request from a pasta producer, Pastificio Carmine Russo S.p.A. ("Russo"), to conduct a new shipper review of the antidumping duty order on certain pasta from Italy, issued July 24, 1996 (61 FR 38547). This request was made pursuant to section 751(a)(2)(B) of the Tariff Act of 1930, as amended ("the Act"), and 19 CFR 351.214(b) (2002). On February 24, 2003, the Department received an additional submission from Russo in which Russo provided information to the Department describing how Russo was formed as a new corporate entity through a corporate buy-out of its predecessor, Carmine Russo, S.p.A. Because Russo's claim to new shipper status is based, in part, on this information, we will further review this change-in-ownership as part of the new shipper review of the antidumping duty order.

## Initiation of Review

Pursuant to 19 CFR 351.214(b), in its request of December 17, 2002, Russo certified that it did not export the subject merchandise to the United States during the period of investigation ("POI") (May 1, 1994 through April 30, 1995) and that it is not now and never has been affiliated with any exporter or producer who exported the subject merchandise to the United States during the POI. Russo submitted documentation establishing the date on which it first shipped the subject merchandise for export to the United States, the volume of that first shipment, the date of its first sale to an unaffiliated customer in the United States, and the date and volume of all subsequent shipments.

In accordance with section 751(a)(2)(B) of the Act and section 351.214(d) of the Department's regulations, we are initiating a new shipper review of the antidumping duty order on certain pasta from Italy. In accordance with 19 CFR 351.214(h)(i), we intend to issue the preliminary results of this review not later than 180 days from the date of publication of this notice. The standard period of review in a new shipper review initiated in the month immediately following the semiannual anniversary month is the six-month period immediately preceding the semiannual anniversary month.

| Antidumping Duty Proceeding   | Period to be Reviewed |
|---|-----------------------|
| Italy: Certain Pasta, A-475-818: Pastificio Carmine Russo S.p.A. .... | 07/01/02 - 12/31/02   |

Concurrent with the publication of this notice, and in accordance with 19 CFR 351.214(e), we will instruct the U.S. Customs Service to allow, at the option of the importer, the posting of a bond or security in lieu of a cash deposit for each entry of the merchandise exported by the company listed above, until the completion of the review.

Interested parties may submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305.

This initiation notice is in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.214.

Dated: February 28, 2003.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary for Import Administration.*

[FR Doc. 03-5495 Filed 3-6-03; 8:45 am]

**BILLING CODE 3510-DS-S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-813]

#### Certain Preserved Mushrooms From India: Preliminary Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to timely requests by three manufacturer/exporters and the petitioner,<sup>1</sup> the Department of Commerce is conducting an administrative review of the antidumping duty order on certain preserved mushrooms from India with respect to three companies. The period of review is February 1, 2001, through January 31, 2002.

We preliminarily determine that sales have been made below normal value. Interested parties are invited to comment on these preliminary results. If

these preliminary results are adopted in our final results of administrative review, we will instruct the Customs Service to assess antidumping duties on all appropriate entries.

**EFFECTIVE DATE:** March 7, 2003.

#### FOR FURTHER INFORMATION CONTACT:

David J. Goldberger or Kate Johnson, Office 2, AD/CVD Enforcement Group I, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4136 or (202) 482-4929, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 19, 1999, the Department published in the **Federal Register** an amended final determination and antidumping duty order on certain preserved mushrooms from India (64 FR 8311).

On February 1, 2002, the Department published a notice advising of the opportunity to request an administrative review of the antidumping duty order on certain preserved mushrooms from India (67 FR 4945). In response to timely requests by three manufacturers/exporters, Agro Dutch Foods Ltd. (Agro Dutch), Himalya International Ltd. (Himalya), and Weikfield Agro Products, Ltd. (Weikfield), and the petitioner, the Department published a notice of initiation of an administrative review with respect to three companies: Agro Dutch, Himalya, and Weikfield (67 FR 14696, March 27, 2002). The period of review (POR) is February 1, 2001, through January 31, 2002.

On April 12, 2002, the Department issued antidumping duty questionnaires to the above-mentioned companies. We received responses to the original questionnaire during the period May through July 2002. We issued supplemental questionnaires in July, October, and November 2002, and received responses during the period August through December 2002. For Weikfield and Himalya, Section D questionnaire response data was removed from the record in December 2002 and January 2003, respectively (*see* December 30, 2002, Letter to Matthew P. Jaffe, counsel to Weikfield regarding the removal of Weikfield's Section D responses from the record, and January 16, 2003, Memorandum to the File concerning the removal of Himalya's

Section D responses from the record).

As a result of the initiation of sales below the cost of production (COP) investigations, discussed below, these Section D responses were re-submitted for the record in January (Weikfield) and February (Himalya) 2003.

In October 2003, we conducted an on-site verification of Agro Dutch's questionnaire responses. The results of this verification are described in *Sales and Cost of Production Verification in Chandigarh, India of Agro Dutch Industries, Ltd.*, Memorandum to the File dated December 10, 2002 (*Agro Dutch Verification Report*).

On January 3, 2003, the Department received an allegation from the petitioner that Weikfield sold certain preserved mushrooms in India at prices below the COP. This allegation was timely because the Department had extended the deadline for such an allegation. On January 21, 2003, the Department initiated a cost investigation of Weikfield's home-market sales of this merchandise. *See Petitioner's Allegation of Sales Below the Cost of Production for Weikfield Agro Products Ltd.*, Memorandum to Louis Apple from Mark J. Todd dated January 21, 2003.

On January 15, 2003, the Department received an allegation from the petitioner that Himalya sold certain preserved mushrooms in India at prices below the COP. This allegation was timely because the Department had extended the deadline for such an allegation. On January 29, 2003, the Department initiated a cost investigation of Himalya's home-market sales of this merchandise. *See Petitioner's Allegation of Sales Below the Cost of Production for Himalya International Limited*, Memorandum to Louis Apple from Aleta Habeeb dated January 29, 2003.

#### Scope of the Order

The products covered by this order are certain preserved mushrooms, whether imported whole, sliced, diced, or as stems and pieces. The preserved mushrooms covered under this order are the species *Agaricus bisporus* and *Agaricus bitorquis*. "Preserved mushrooms" refer to mushrooms that have been prepared or preserved by cleaning, blanching, and sometimes slicing or cutting. These mushrooms are then packed and heated in containers including but not limited to cans or glass jars in a suitable liquid medium, including but not limited to water,

<sup>1</sup> The petitioner is the Coalition for Fair Preserved Mushroom Trade which includes the American Mushroom Institute and the following domestic companies: L.K. Bowman, Inc., Modern Mushroom Farms, Inc., Monterey Mushrooms, Inc., Mount Laurel Canning Corp., Mushrooms Canning Company, Southwood Farms, Sunny Dell Foods, Inc., and United Canning Corp.